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## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***Refugee Resettlement in the EU - 2011-2013 Report***

**Edited by Delphine Perrin**

KNOW RESET Research Report 2013/05  
*Final Report*



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**KNOW RESET**  
**Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement**  
**in the EU and its Member States**

**KNOW RESET RR 2013/05**

**Refugee Resettlement in the EU**  
**2011-2013 Report**

***KNOW RESET Final Report***

**edited by**  
**Delphine Perrin**

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<http://cadmus.eui.eu>

## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project:  
<http://www.know-reset.eu/>

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## Executive Summary

### 1. Nature and Purpose of the Project

The Know-Reset project has been carried out by the Migration Policy Centre (MPC), which conducts advanced research on global migration to serve migration governance needs at the European level, from developing, implementing and monitoring migration-related policies to assessing their impact on economy and society more generally. The Know Reset project is part, too, of the advocacy policy of the European Council on Refugees and Exiles (ECRE) and its member agencies. These monitor and denounce human rights violations while proposing and promoting fair, effective and durable solutions, such as refugee resettlement.

The Project was co-funded by the European Union DG Home Affairs in the framework of the European Refugee Fund Community Actions 2010. It was carried out by the EUI (European University Institute), in partnership with ECRE (European Council on Refugees and Exiles, Brussels), from September 2011 to July 2013.

The general objective of the project was to construct the knowledge-basis for better policy-making in the domain of resettlement, both at EU level and in the 27 Member States. *Know Reset* aimed at conducting a systematic inventory of resettlement frameworks and practices in the EU, providing a comparative analysis and assessment of resettlement in the Member States, evaluating their resettlement capacity while addressing policy recommendations to the EU and its Member States in order to enhance cooperation and improve resettlement activities. To better understand Member States' decision-making and better explore the potential for developing resettlement capacity in the EU, the Project has covered the 27 EU Member States whatever the nature and degree of their involvement in refugee resettlement (programme-based, ad hoc, ETC<sup>1</sup>, none). *Its target audiences were policy-makers, institutions and non-governmental stakeholders as well as the public and the media who can all benefit from its main outputs: An online database and a dedicated website (<http://www.know-reset.eu/>).*

The partnership between the EUI and ECRE has enabled to confront and combine two different and complementary project approaches and has enriched the analysis of refugee resettlement in the EU and its Member States. This partnership has also brought two European-wide networks together, providing an exhaustive and various set of data and analytical tools. The two partners rely on large networks of academic and civil-society expertise. For this particular project, 16 NGOs from the ECRE alliance and 20 researchers from the EUI have collected resettlement-related data directly from the national governmental and non-governmental stakeholders in the 27 Member States. Besides, 132 various stakeholders have been interviewed all over the EU. The project team has proceeded to a systematic and comparative inventory of legal and policy frameworks and actual practices related to resettlement in the EU and its Member States providing an updated set of information, mapping and comparing those frameworks and practices.

Know Reset is the first project focussing on the EU and its 27 EU Member States, in order to better compare the various approaches, assess the resettlement capacity potential in the EU and the impact of the Joint EU Resettlement Programme (JEURP) on Member States' commitment in resettlement. Analysing all EU-27 States is a key contribution to the understanding of resettlement: such a comprehensive country analysis had never been accomplished before. Mapping resettlement frameworks and practices indeed implied covering all states that are involved in resettlement in one form or another, and to various degrees. Some EU Member States do not have resettlement programmes, but have resettled on an *ad hoc* basis, in response to a specific refugee crisis and/or to UNHCR's calls. Besides, some EU Member States do not currently resettle, but have taken (legal,

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<sup>1</sup> Emergency Transit Facilities.

political and practical) steps to do so in the future. There is a great diversity in terms of commitment towards resettlement in the EU and a series of recent evolutions. This is a snapshot of the situation:

- The majority of EU Member States have been involved in resettlement to one extent or another,
- Very few of them have a long tradition of resettlement,
- Some countries that seemed tied to an *ad hoc* approach have recently opted for a programme,
- Other countries, which had pledged to resettle, could not meet their commitment,
- Most of the 'new' Eastern Member States have decided to participate in resettlement. Some of them have actually implemented it,
- Only six Member States have had no involvement in resettlement.

Evaluating the potential to develop and improve refugee resettlement in the EU implies addressing the whole range of national attitudes towards resettlement, as well as their variations in time and in space. It relies on a broad understanding of resettlement capacity, which is based on financial and material means, but which is also matter of political will, legal framework, social context, civil society, and a series of country-specific determinants, that have been examined by *Know Reset*.

Besides, unique field research has been conducted in three major countries of first asylum (Kenya, Pakistan, Tunisia) by external experts hired for the Project, who dedicated their observation and analysis on EU Member States resettlement practices in the pre-departure phase.

The Project has produced a website (<http://www.know-reset.eu/>) only and fully dedicated to resettlement in the EU. It is the first website mapping EU's involvement in refugee resettlement, and comprising the 27 EU Member States. Conceived to be as **user-friendly** as possible, the Know Reset website is a useful instrument which enables to learn about and to compare the diverse frameworks, policies and practices within the EU, to evaluate the resettlement capacity in the EU, to follow the evolution of Member States' commitment in resettlement and to assess the impact of the JEURP. The Project has also developed a unique database comprising a systematic and comparative compilation of administrative and legal frameworks, statistics and policy documents for each of the Member States and for the EU as a whole. The Project has provided an edition of 27 country profiles dedicated to refugee resettlement and its comparison in the EU. Besides, it has produced first-hand graphs and tables for quantitative and qualitative country comparison within the EU, which have been developed on the basis of the data collected by the research team.

## 2. Outputs and Findings

The Project has been implemented at a crucial moment, when the JEURP was being adopted at the EU level and the project's various deliverables have been able to measure the impact of the EU's initiatives on the development of Member States' commitments toward resettlement. During the implementation of the Project, from September 2011 to July 2013, four Member states became "resettlement countries".

### **The Development of Resettlement-Related Frameworks and Policies in the EU and its Member States**

While only one new resettlement country emerged in the EU during the 1990s (Ireland), nine were created during the 2000s: seven alone between 2008 and 2013. The number of 'resettlement countries' in the EU is now fourteen: in addition to the four "traditional resettlement countries" (namely Sweden, Denmark, the Netherlands, Finland) and Ireland, the United Kingdom launched a programme in 2004, Portugal in 2007, the Czech Republic, Romania and France in 2008, and Hungary, Belgium, Germany and Spain in 2012/2013. Bulgaria is, meanwhile, to start a programme in 2014. Two additional

Member States refer to resettlement in law (Poland and Slovenia), even though they have not resettled yet, and two other Member States have already joined resettlement operations on an *ad hoc* basis (Italy and Luxembourg). Slovakia hosts an Emergency Transit Centre (ETC) for the humanitarian transfer of refugees before their resettlement to EU Member States or third countries, as does Romania. Among the six EU Member States which have not taken any steps toward getting involved in resettlement, Lithuania began discussions in February 2012 on resettlement participation.

As elaborated in the EU Comparative Reports produced for Know Reset, the development of resettlement-related frameworks and policies in the EU and its Member States is undeniable and has accelerated over the past five years. This is mainly due to the combined effect of joint operations to respond to major refugee crises and to the EU's increased support of UNHCR efforts to encourage States to resettle refugees. EU led initiatives for multilateral operations have been the main incentive for Member States in getting involved in refugee resettlement when said states have no resettlement history.

A small majority of Member States are now resettlement countries, insofar as they have committed to resettling refugees on a programme basis. Moreover, while refugee resettlement depends on voluntary governmental decisions, exclusive from any legal duty, it is no longer exclusively based on an administrative framework. Refugee resettlement is increasingly based on asylum and refugee law. Thirteen Member States have included a reference to refugee resettlement in their asylum legislation; eleven of them did so during the past decade. This does not make resettlement a legal duty for those States, nor, indeed, is it a right for refugees. Yet, the adaptation of legal frameworks may facilitate refugee resettlement. This might allow the granting of refugee status outside the territory for instance, or determining the procedure and competent institutions.

The absence of legal reference to refugee resettlement has not impeded certain Member States from resettling in a sustainable and regular manner in the past (in Scandinavia) and even today (the Netherlands). Equally, the existence of a legal reference to refugee resettlement is not a guarantee that the State does or will resettle. It does not constitute evidence of resettlement: but it can help and support sustainable commitment.

The Joint EU Resettlement Programme adopted in March 2012 has been a great support in the development of commitments in resettlement and plays an important role in the search for a concerted approach to resettlement. Nevertheless, its impact has been limited. It is based on a financial incentive, which does not convince all Member States, and on the positive impact of joint initiatives.

## **Diversity in the Content of Resettlement Frameworks and Practices**

The selection process is extremely diverse among Member States. Criteria and procedures vary across countries. They may also vary from one year/period to another. The quality of refugee resettlement relies, amongst other things, on the capacity of Member States to address the needs and concerns of the various stakeholders involved in the process: UNHCR, IOM, NGOs, local authorities, government ministries, and, finally, refugees themselves. Collaboration between stakeholders at the different stages (pre-arrival and post arrival) of the resettlement process differs greatly from country to country as well.

In the last decade, most of the resettlement operations carried out in EU Member States have relied on UNHCR pre-selection. When referring some cases to resettlement states, UNHCR takes into account the preferences and criteria previously discussed with and indicated by Member States. Then, resettlement States generally add their own selection process, either on a dossier-basis or through selection missions, and may demand certain criteria which the refugees must satisfy.

UNHCR has developed standards to identify and select those refugees who are most in need of protection. EU funding instruments have partly supported those standards. The transfer of refugees from a third country to an EU country would not be considered resettlement and would not be funded as such, if carried out independently of UNHCR. The EU also supports the resettlement of specific categories of vulnerable persons on the basis of UNHCR's selection criteria and prioritizes the

resettlement of some refugee groups identified by UNHCR as being in urgent need of group resettlement.

Most Member States incorporate UNHCR resettlement criteria and case submission as the basis of the selection process. However, some governments shy away from receiving refugees that they think might have less integration potential or that may require more financial and public services support. Selection criteria also include country specific asylum policy and foreign policy, the capacity of reception and integration services.

While ‘being part of the club’ is a key motivation for Member States getting engaged in refugee resettlement, Member States are extremely unreceptive to any proposal to harmonise the selection of refugees to be resettled. The ERF is one way in which the selection of refugees may be influenced. Indeed, through its funding conditions, the ERF influences the selection targets of Member States, as well as the procedure and the rights granted. Nevertheless, the EU is unlikely to develop a common selection procedure. Nor is it likely to reach an agreement as to how to divide the refugees to be resettled amongst Member States.

Even more problematic is the diversity in the status and rights granted to resettled persons and the integration capacity of Member States. A growing problem concerns the possible development of lower reception quality in some countries, as a result of a greater number of places being available for resettlement.

### **More Resettlement Countries, More Places?**

The JEURP was a positive step towards increasing the number of resettlement places made available by EU Member States. However, EU resettlement capacity has not significantly increased in parallel with the expansion in number of EU resettlement countries.

The EU’s overall contribution to global resettlement has remained approximately the same: 7.9 % of the total number of refugees resettled in 2007 and 8.3 % in 2012. The traditional resettlement Member States still have the greatest impact on EU’s contribution to resettlement. In most EU resettlement countries, resettlement quotas are not reached, which can be attributed to a number of factors such as reception capacities, the socio-economic context and financial means. Failure to reach resettlement quotas can also be linked to selection methods and process. Some resettlement countries are able to offer only a very limited number of places, especially the new resettlement countries, as they require time and resources to build their capacity to develop and implement their resettlement programmes. The way the number of resettled refugees is calculated is also crucial: this affects what we know concerning the total number of refugees resettled.

Resettlement efforts by EU member states are still limited particularly compared to the global resettlement needs, as well as in terms of potential capacity. For resettlement to fulfil its function as a meaningful demonstration of solidarity with countries of first asylum and as a useful component of a comprehensive durable solutions strategy, resettlement numbers need to be more significant in comparison with the number of refugees waiting for resettlement in countries of first asylum.

## **Background information: Resettlement and the Joint EU Resettlement Programme**

### **Refugee Resettlement**

Resettlement is a durable solution that may be offered to refugees who have sought protection in a country where local integration is not an option, and who cannot return to their home country.

Unlike asylum, resettlement is not a right: States offer resettlement on a voluntary basis. In practical terms, refugees with specific needs are selected by UNHCR or the resettlement country. They are then transferred from their current country of asylum to the country that has accepted to receive them. These refugees should be granted a residence status.

### **Why resettling?**

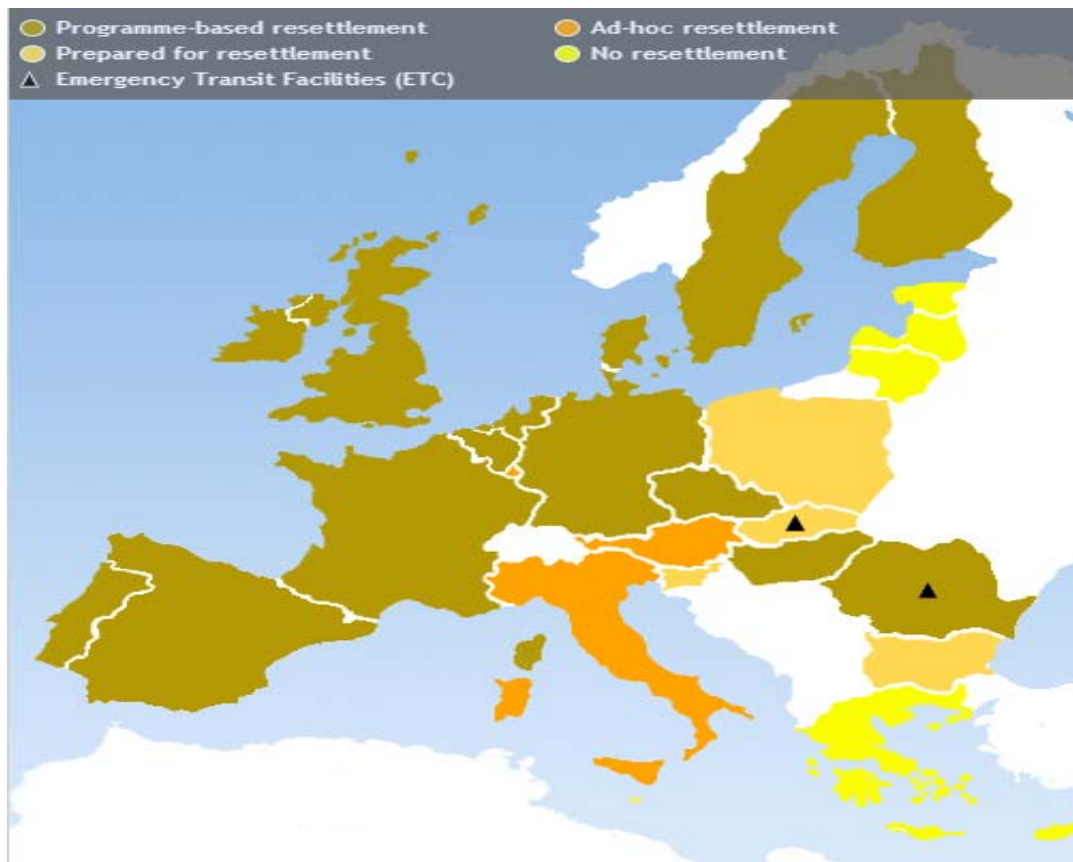
Resettlement is a way to alleviate countries of first asylum of the burden of refugees who can neither return nor be locally integrated. It is an essential tool in sharing responsibility for refugee protection with those developing countries that receive the largest number of refugees, such as Pakistan and Kenya.

### **How many people are resettled?**

Only a small minority of refugees worldwide are resettled. Out of all refugees, only 1 per cent is considered by UNHCR as needing resettlement. Ultimately, about 10 per cent of these are actually resettled each year.

Compared with protection needs and involvement in resettlement of countries like the US and Canada, the contribution of EU Member States is modest. Moreover, it varies from year to year and from place to place. Over the last years, the European Commission has tried to foster cooperation in the field of resettlement. A Joint EU-resettlement programme was finally adopted by the European Parliament on 29 March 2012. It introduces some important incentives to persuade Member States to start resettlement programmes or to increase the number of resettlement places.

### EU Member States' involvement in resettlement



### The Joint EU Resettlement Programme (Jeurp)

#### Historical background

Already in 2000, the European Commission suggested that ‘Processing the request for protection in the region of origin and facilitating the arrival of refugees on the territory of the Member States by a resettlement scheme are ways of offering rapid access to protection’ (COM/2000/0755 final). The Commission believed that only a joint EU approach could create necessary political and operational terms for accessing European territory and for allowing resettlement to be used for strategic purposes - both to assist the EU Member States and attain the objectives of UNCHR’s Agenda for Protection. In the course of the years, resettlement was recognised as the key tool for offering a durable solution. However, only limited progress was made to implement it.

During these years, the Commission argued that the coordination of resettlement activities between individual Member States was inadequate. Moreover, the European Refugees Fund (ERF) – which co-finances resettlement in the Member States - was too rigid to respond to changing needs, particularly with respect to geographical priorities. The ERF used to fund only resettlement of refugees from outside the EU to Member States, and not the relocation between Member States.

Finally, a full-fledged proposal to establish a Joint EU resettlement Programme was tabled in September 2009. The aim was to:



- increase EU's humanitarian impact
- to integrate resettlement into external relations policy,
- to streamline actions of Member States to make them more cost effective.

The proposal remained stuck between institutions mainly because of the annual priority setting and because of an argument about which decision procedure to use in connection to the implementation of the Lisbon Treaty.

### Today we have a Joint EU resettlement programme

On 29 March 2012, the European Parliament voted on the Joint EU Resettlement Programme, already approved by the Council (6444/12). This vote paves the way for a 'Joint EU Resettlement Programme' presented by the European Commission back in 2009. This decision determines common EU resettlement priorities for 2013 and announces an increase of the compensation that Member States receive from the European Refugee Fund for resettlement of refugees. The EU Commissioner Malmström welcomed the decision, stating that it is a much-needed measure that will improve cooperation and allow the EU to pool resources for resettlement.

### Priority groups

The decision targets the following priorities for resettlement:

- Persons from a country or a region designated for the implementation of **Regional Protection Programmes** (COM(2005) 388 final): -Newly Independent States (NIS): Ukraine, Moldova and Belarus,
  - Great Lakes Region: Tanzania,
  - Horn of Africa: Kenya, Djibouti and Yemen,
  - North Africa: Egypt, Tunisia and Libya;
- Persons from one or more of the following **vulnerable group** categories: -women and children at risk, -unaccompanied minors, -survivors of violence and torture, -persons having serious medical needs, -persons in need of emergency or urgent resettlement for legal and/or physical protection needs;
- Persons from a **geographical location** on the list of common EU priorities for 2013: - Congolese refugees in the Great Lakes Region (Burundi, Malawi, Rwanda, Zambia); -Iraqi refugees in Turkey, Syria, Lebanon, Jordan; -Afghan refugees in Turkey, Pakistan, Iran; - Somali refugees in Ethiopia; -Burmese refugees in Bangladesh, Malaysia and Thailand; - Eritrean refugees in Eastern Sudan.

### More EU funding

There will be a clear increase of funding for resettled refugees. Member States will receive a compensation for each resettled refugee falling into one or more categories mentioned above:

- First time applicants will receive EUR 6,000 for the first year, and EUR 5,000 for the second year,
- For the rest the compensation will remain at EUR 4,000.

### **Pilot scheme in 2013**

Member States were asked to provide the Commission by 1 May 2012 with an estimate of the number of persons per category that they plan to resettle in 2013 (European Parliament News, 29 March 2012). The May deadline and the joint resettlement priorities are a novelty proposed by the European Commission; the aim is to make them a regular feature of policy-making on asylum. The scheme will be applied as a trial this year, which means that the Member States' estimates of the number of persons they plan to resettle are not binding (European Voice, 1 March 2012).

For background information on the long legislative process of the Joint EU Resettlement Programme and ERF funding:

<http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2009/0127%28COD%29&l=en>

### **Proposed Asylum and Migration Fund (AMF) 2014- 2020**

While the amendment to the ERF only covers funding in 2013, it paves the way for new rules concerning the financial support that EU Member States may receive for the resettlement of refugees from third countries through future funding during the period 2014-2020.

The Commission has proposed the Regulation establishing the Asylum and Migration Fund (AMF) at the end of 2011: <http://ec.europa.eu/home-affairs/news/intro/docs/751.pdf>

The proposed funding should allow for more strategic use of resettlement during the 2014-2020 funding period, with a more focused approach to resettlement priorities that are to be set bi-annually. The AMF will support the establishment of a Union Resettlement Programme for which an amount of €560 million has been earmarked, five times the amount previously set aside for resettlement under the ERF.

#### **The aim of the proposed funding is twofold:**

- to provide durable solutions to an increased number of refugees by supporting their transfer from outside EU territory and their establishment in an EU Member State; and
- to maximise the strategic impact of resettlement through a better targeting of those persons who are in greatest need of resettlement on the basis of common EU resettlement priorities. These priorities will be established for two year periods with the involvement of the European Parliament and the Council and in cooperation with UNHCR and the European Asylum Support Office.

If adopted in the presently-proposed form, the AMF will support the resettlement of every refugee supported with 6,000 EUR per person, while the EU would fund 10,000 EUR for refugees that are covered by priority categories as stipulated in the AMF. The additional funding would relate to resettlement of refugees that are regarded as particularly vulnerable as well as refugees from certain regional priorities. The vulnerable groups would remain unchanged during the AMF period, while the regional priorities would be set on a bi-annual basis.

#### **The proposed vulnerable refugee groups are:**

- women and children at risk,
- unaccompanied minors,
- persons having medical needs that can be addressed only through resettlement,
- persons in need of emergency resettlement or urgent resettlement for legal or physical protection needs.

In Annex III to the proposed AMF Regulation, the following **common Union priorities for the first two years 2014-2015** are listed as:

1. Regional Protection Programme in Eastern Europe (Belarus, Ukraine, Moldova)
2. Regional Protection Programme in the Horn of Africa (Djibouti, Yemen, Kenya)
3. Regional Protection Programme in North Africa (Libya, Tunisia, Egypt)
4. Refugees in the region of Eastern Africa/ Great Lakes
5. Iraqi refugees in Syria, Lebanon, Jordan
6. Iraqi refugees in Turkey.

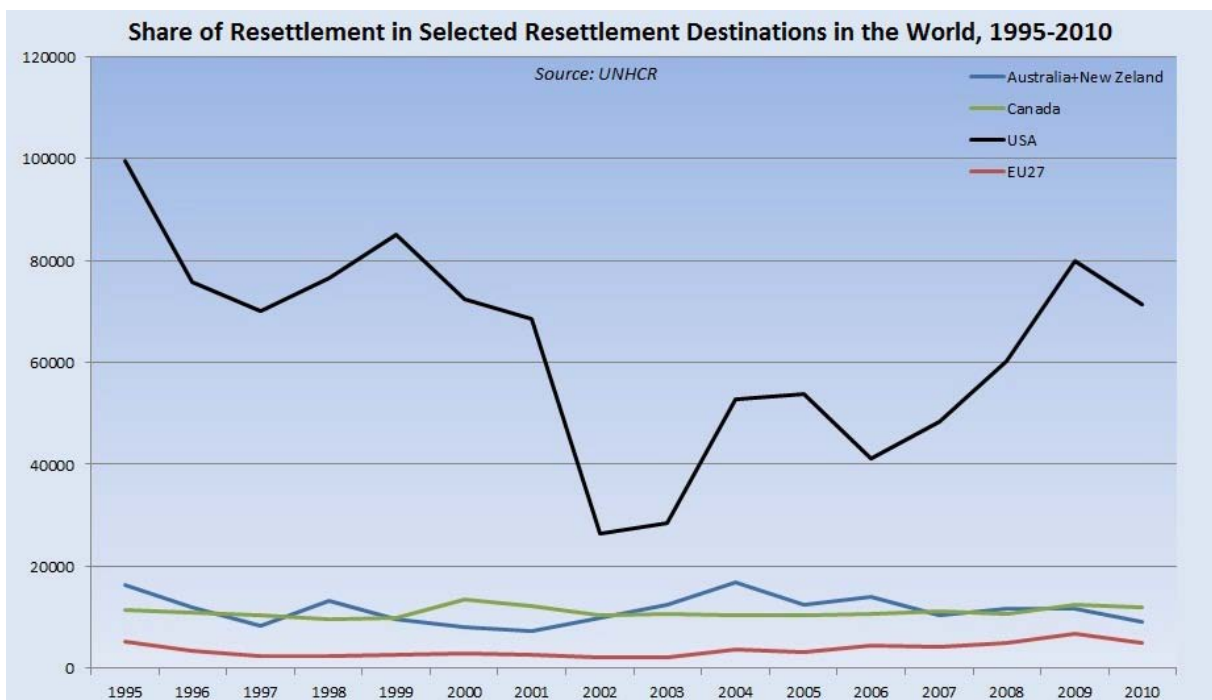
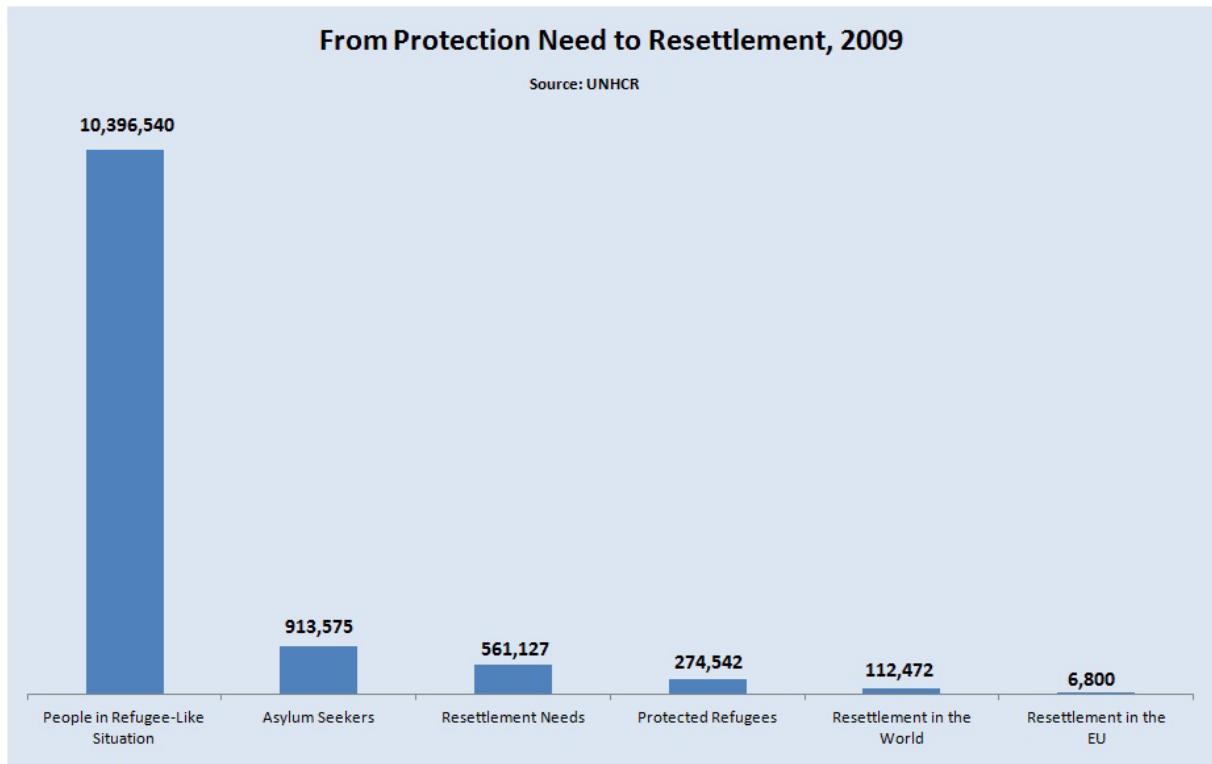
**PART I**

**COUNTRY COMPARISON**

**RESETTLEMENT IN THE EU**

**AND ITS MEMBER STATES**

**Elona Bokshi**  
**Metin Nebiler**  
**Delphine Perrin**



Resettlement Schemes in the EU				
	Programme Based Resettlement	Plan to Resettle on a Programme Basis	Ad Hoc Based Resettlement	Have Never Resettled
Austria			X	
Belgium		2013	X	
Bulgaria		2014		X
Cyprus				X
Czech Republic	2008			
Denmark	1978			
Estonia				X
Finland	1985			
France	2008		X	
Germany		2012	X	
Greece				X
Hungary		2012		
Ireland	1998			
Italy			X	
Latvia				X
Lithuania				X
Luxembourg			X	
Malta				X
Netherlands	1984			
Poland				*
Portugal	2007			
Romania	2008			
Slovakia				X
Slovenia				X
Spain		2013		
Sweden	1950			
United Kingdom	2004			

Source: The national institutions listed in country pages.

Note: The mentioned date refers to the start of the programme.

\* In 2011, 16 refugees were brought into Poland, these refugees' resettlement (including travel) was facilitated by the Minister for Foreign Affairs of Poland. They have been considered as resettled refugees.

Number of Resettled Refugees in the EU, 2000-2012													
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>TOTAL</b>	<b>2,960</b>	<b>2,634</b>	<b>2,284</b>	<b>2,439</b>	<b>3,554</b>	<b>3,103</b>	<b>3,903</b>	<b>4,251</b>	<b>5,115</b>	<b>7,399</b>	<b>5,405</b>	<b>4,326</b>	<b>2,207</b>
Austria	0	0	0	0	0	0	0	0	0	0	0	31	-
Belgium	0	0	0	0	0	0	0	0	0	47	0	25	-
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0	0
Czech Republic	0	0	0	0	0	15	0	10	28	16	39	0	25
Denmark	464	531	490	509	498	483	530	472	564	452	494	516	-
Estonia	0	0	0	0	0	0	0	0	0	0	0	0	0
Finland	756	739	569	749	679	690	676	723	737	727	634	626	-
France	0	0	0	0	0	0	0	0	211	151	1,094	-	-
Germany	0	0	0	0	0	14	20	0	0	2,512	152	153	200
Greece	0	0	0	0	0	0	0	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	0	0	0	0	0	0	0
Ireland	35	52	28	50	58	115	184	114	101	192	20	45	49
Italy	0	0	0	0	0	0	0	39	30	50	-	-	-
Latvia	0	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0	0	0	0	28	0	0	-
Malta	0	0	0	0	0	0	0	0	0	0	0	0	0
Netherlands	204	223	155	189	347	452	497	569	544	401	484	556	-
Poland	0	0	0	0	0	0	0	0	0	0	0	16	-
Portugal	0	0	0	0	0	0	17	16	11	30	33	30	-
Romania	0	0	0	0	0	0	0	0	38	0	0	0	-
Slovakia	0	0	0	0	0	0	0	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0	0	0	0	0	0	0	0
Spain	-	-	-	-	-	-	-	-	-	-	-	-	80
Sweden	1,501	1,089	1,042	942	1,822	1,263	1,626	1,845	2,209	1,936	1,786	1,896	1,853
United Kingdom	0	0	0	0	150	71	353	463	642	857	669	432	-

Source: The national Institutions listed in country pages.

Note: A dash (-) indicates that the value is not available or not applicable.

Number of Refugees Resettled in the EU on a Programme Basis, 2000 - 2012													
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>TOTAL</b>	<b>2,960</b>	<b>2,634</b>	<b>2,284</b>	<b>2,439</b>	<b>3,554</b>	<b>3,089</b>	<b>3,883</b>	<b>4,212</b>	<b>5,080</b>	<b>4,762</b>	<b>4,159</b>	<b>4,101</b>	<b>2,207</b>
Czech	0	0	0	0	0	15	0	10	23	16	39	0	25
Denmark	464	531	490	509	498	483	530	472	564	452	494	516	-
Finland	756	739	569	749	679	690	676	723	737	727	634	626	-
France	0	0	0	0	0	0	0	0	211	151	-	-	-
Germany	0	0	0	0	0	0	0	0	0	0	0	0	200
Ireland	35	52	28	50	58	115	184	114	101	192	20	45	49
Netherlands	204	223	155	189	347	452	497	569	544	401	484	556	-
Portugal	0	0	0	0	0	0	17	16	11	30	33	30	-
Romania	0	0	0	0	0	0	0	0	38	0	0	0	-
Spain	0	0	0	0	0	0	0	0	0	0	0	0	80
Sweden	1,501	1,089	1,042	942	1,822	1,263	1,626	1,845	2,209	1,936	1,786	1,896	1,853
United Kingdom	0	0	0	0	150	71	353	463	642	857	669	432	-

Source: The national Institutions listed in country pages.

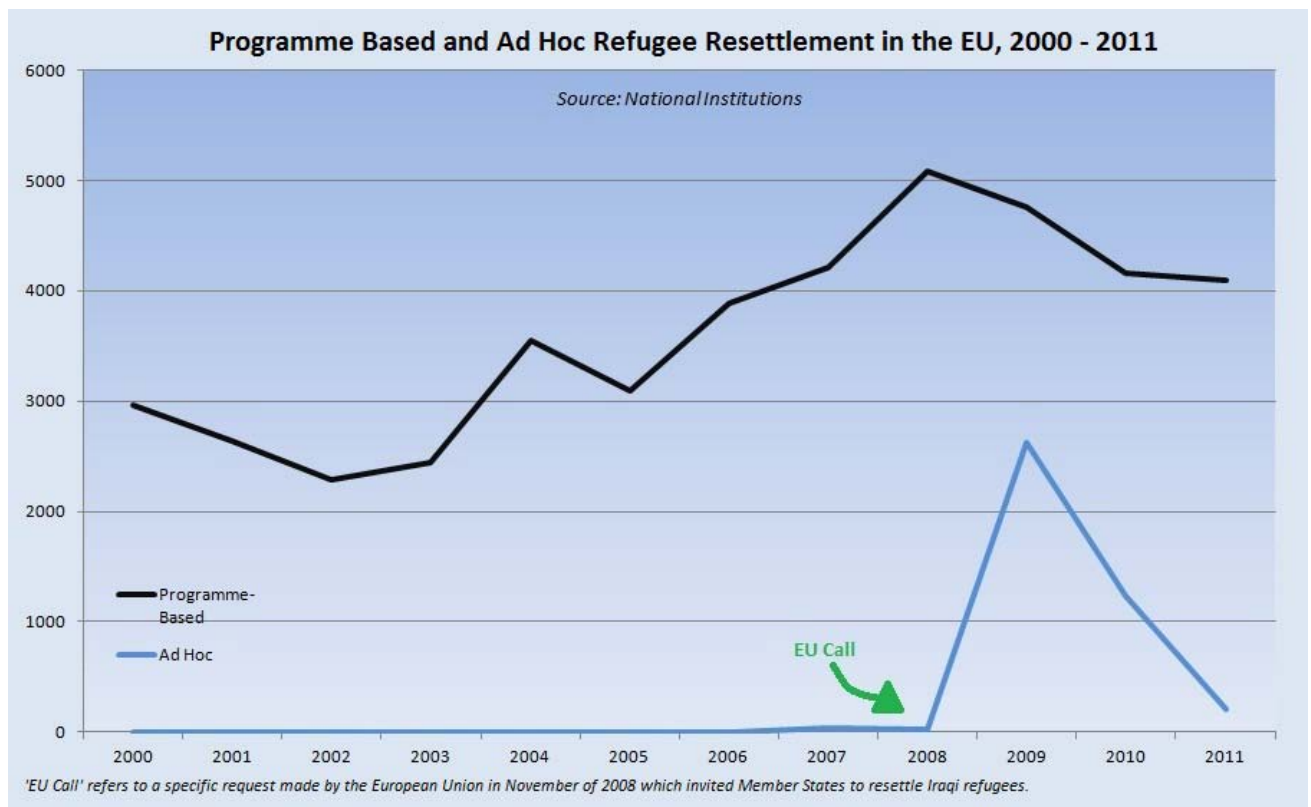
Note: A dash (-) indicates that the value is not available or not applicable.

Number of Refugees Resettled in the EU on an Ad-hoc Basis, 2000 - 2011												
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>TOTAL</b>	0	0	0	0	0	14	20	39	30	2,626	1,196	209
Austria	0	0	0	0	0	0	0	0	0	0	0	31
Belgium	0	0	0	0	0	0	0	0	0	47	0	25
France	0	0	0	0	0	0	0	0	0	0	1,094	-
Germany	0	0	0	0	0	14	20	0	0	2,501	102	153
Italy	0	0	0	0	0	0	0	39	30*	50*	-	-
Luxembourg	0	0	0	0	0	0	0	0	0	28	0	-

Source: The national Institutions listed in country pages.

Note: A dash (-) indicates that the value is not available or not applicable.

\* Approximate numbers.





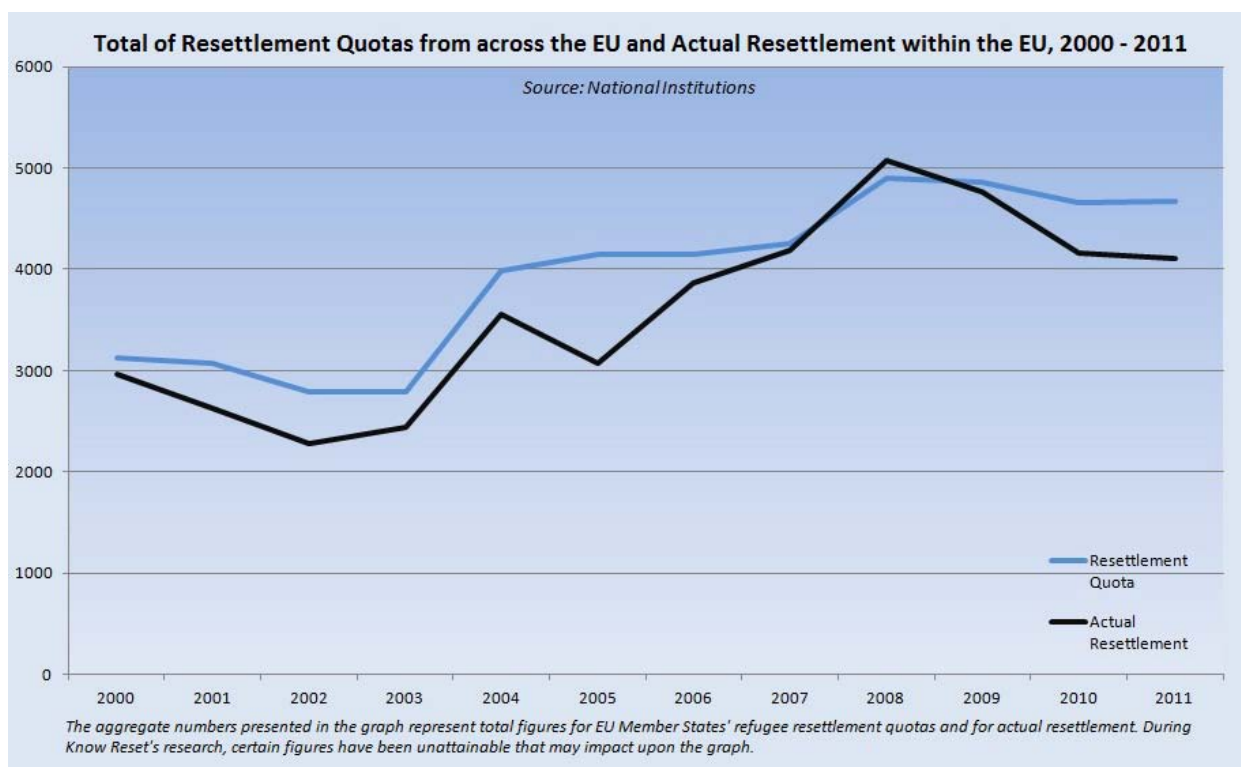
Resettlement Quotas in the EU, 2000-2011												
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>TOTAL</b>	<b>3,080</b>	<b>3,035</b>	<b>2,750</b>	<b>2,750</b>	<b>3,950</b>	<b>4,150</b>	<b>4,150</b>	<b>4,250</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>
Czech Republic	0	0	0	0	0	0	0	0	30	30	30	40
Denmark	500	500	500	500	500	500	1500 / 3 years	1500 / 3 years	1500 / 3 years	1500 / 3 years	1500 / 3 years	1500 / 3 years
Finland	700	750	750	750	750	750	750	750	750	750	750	750
France	0	0	0	0	0	0	0	0	300**	300**	300**	300**
Ireland	10*	10*	10*	10*	10*	200	200	200	200	200	200	200
Netherlands	1,500 / 3 years	1,500 / 3 years	1,500 / 3 years	1,500 / 3 years	1,500 / 3 years	1,500 / 3 years	1,500 / 3 years	1,500 / 3 years	2,000 / 4 years	2,000 / 4 years	2,000 / 4 years	2,000 / 4 years
Portugal	0	0	0	0	0	0	0	0	30	30	30	30
Romania	0	0	0	0	0	0	0	0	120 / 3 years	120 / 3 years	120 / 3 years	120 / 3 years
Sweden	1,380	1,285	1,000	1,000	1,700	1,700	1,700	1,800	1,900	1,900	1,900	1,900
United Kingdom	0	0	0	0	500	500	500	500	750	750	750	750

Source: The national institutions listed in country pages.

Note: Quotas are annual, unless specified.

\* 10 applicants with their families.

France has committed to consider 100 files a year which usually corresponds to 300 refugees.



Top 10 Countries of Origin of Resettled Refugees in the EU, 2000-2011													
	Total	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Iraq	6,392	7	76	145	8	7	0	4	278	708	3,569	1,474	116
Myanmar	3,777	68	52	17	142	157	509	758	669	429	337	380	259
DR of Congo	3,250	19	35	19	45	283	92	415	620	488	536	333	365
Afghanistan	1,462	3	308	54	283	160	164	17	4	0	45	159	265
Iran	1,171	0	0	208	177	109	279	266	92	26	12	1	1
Sudan	1,084	27	131	4	284	261	81	97	74	71	9	16	29
Ethiopia	860	5	6	0	19	13	5	173	167	209	76	35	152
Bhutan	733	0	0	0	0	0	0	3	18	268	159	281	4
Somalia	609	0	18	7	31	26	44	57	4	2	19	236	165
Eritrea	296	0	3	3	16	37	7	12	35	20	20	20	123

Source: The national Institutions listed in country pages.

Numbers refer to aggregate numbers of resettled refugees in 2000-2011 from corresponding country of origin only here information has been available to Know Reset.

Note: A dash (-) indicates that the value is not available or not applicable.

Top 10 Countries of First Asylum of Resettled Refugees in the EU, 2000-2011													
	Total	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Syria	2,945	0	0	0	0	0	0	0	0	294	2,117	455	79
Thailand	1,906	0	0	0	0	0	393	453	338	229	154	170	169
Jordan	1,539	0	0	0	0	0	0	0	0	224	958	357	0
Iran	924	0	0	0	222	131	153	0	0	0	0	153	265
Rwanda	792	0	0	0	0	0	0	0	148	156	151	126	211
Kenya	772	0	0	0	0	0	0	79	90	202	0	204	197
Iraq	752	0	0	0	0	0	0	0	0	0	128	594	30
Turkey	540	0	0	0	140	146	117	123	0	0	0	14	0
Zambia	487	0	0	0	0	0	0	134	212	141	0	0	0
Syria-Jordan	327	0	0	0	0	0	0	0	0	0	327	0	0

Source: The national Institutions listed in country pages.

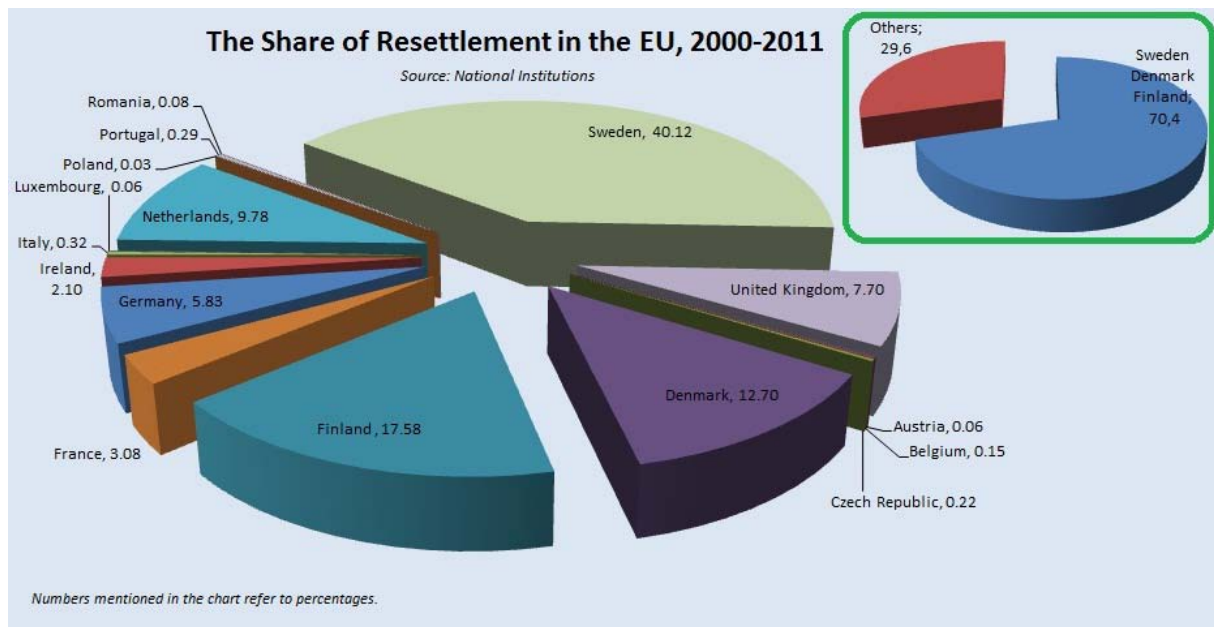
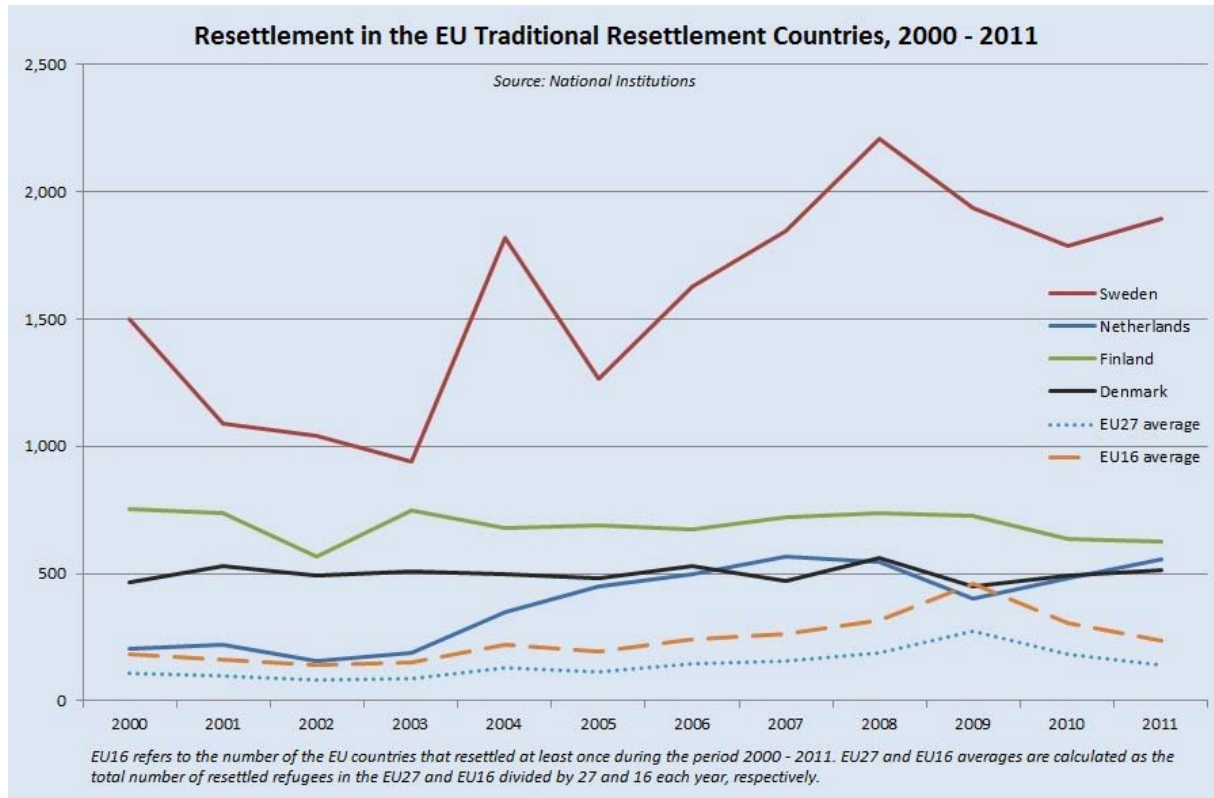
Numbers refer to aggregate numbers of resettled refugees in 2000-2011 from corresponding country of origin only here information has been available to Know Reset.

Note: A dash (-) indicates that the value is not available or not applicable.

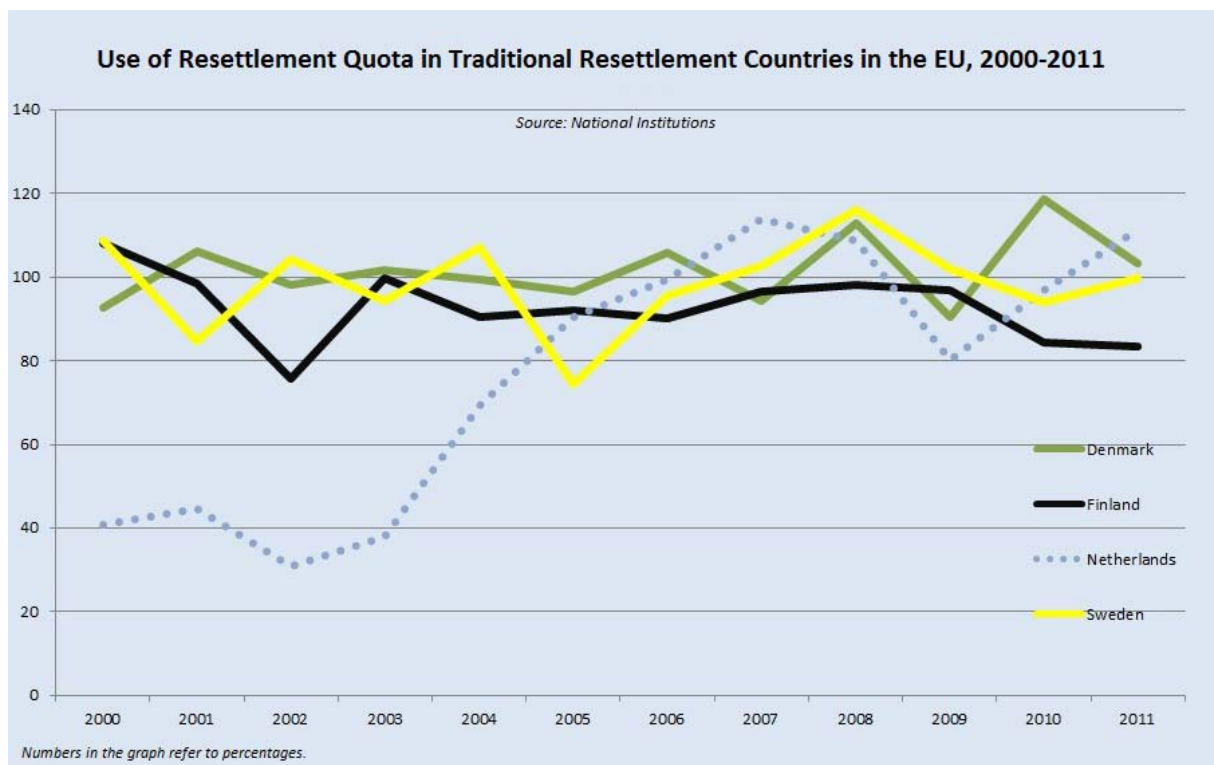
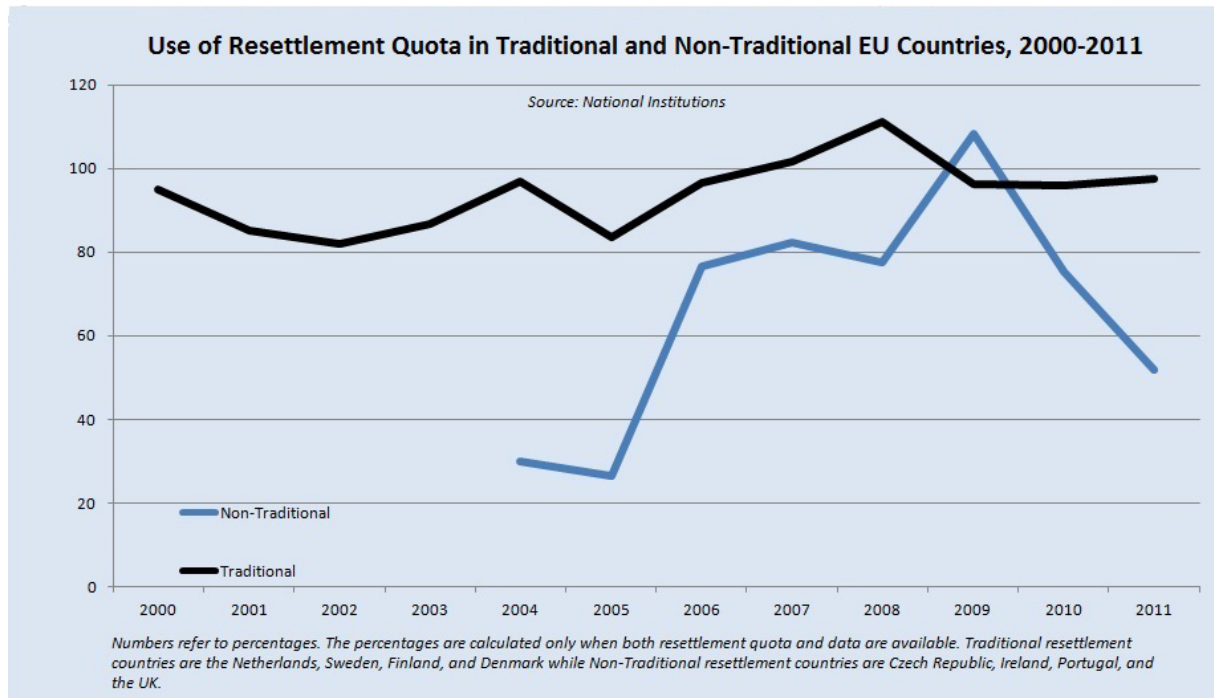
Number of Refugees Granted Protection in the EU Member States, 2000 - 2011				
Rank	Country	Admission to Refugee Status	Resettlement	Total Protection Granted
1	Sweden	120,350	18,957	139,307
2	United Kingdom	115,113	3,637	118,750
3	Italy	112,602	151	112,753
4	Germany	105,577	2,756	108,333
5	France	85,189	1,456	86,645
6	Netherlands	70,516	4,621	75,137
7	Denmark	30,250	6,003	36,253
8	Austria	33,027	30	33,057
9	Belgium	25,358	72	25,430
10	Finland	10,453	8,305	18,758

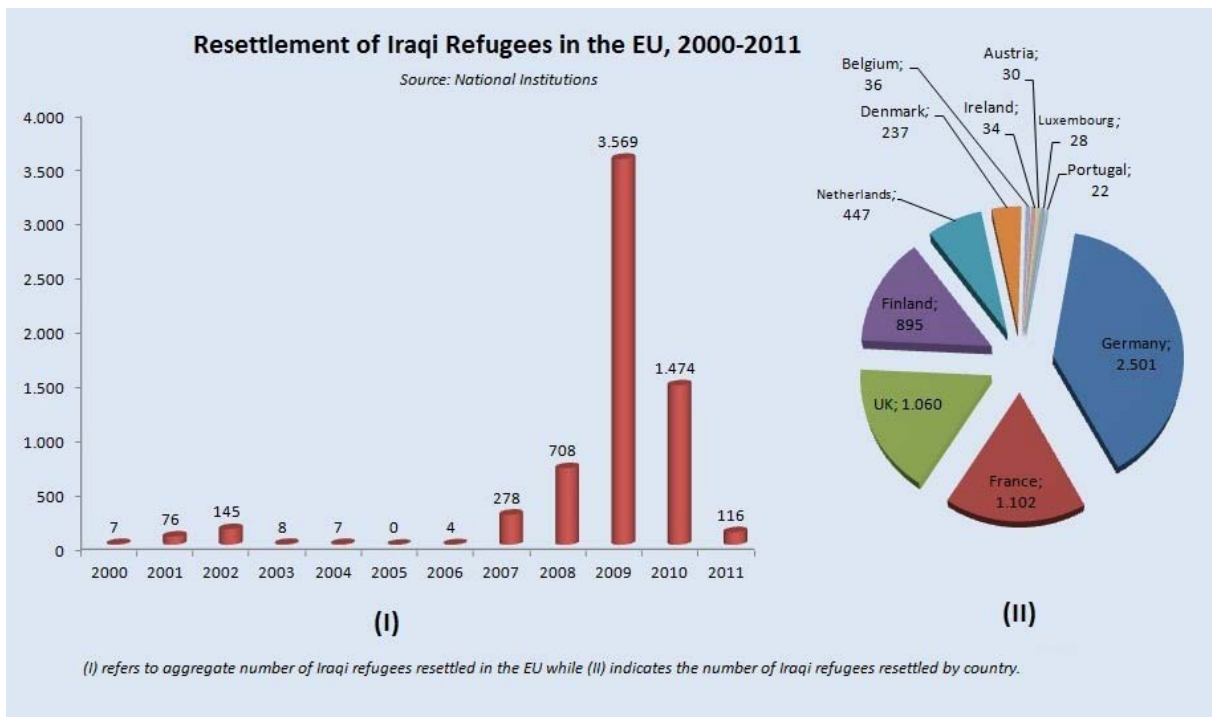
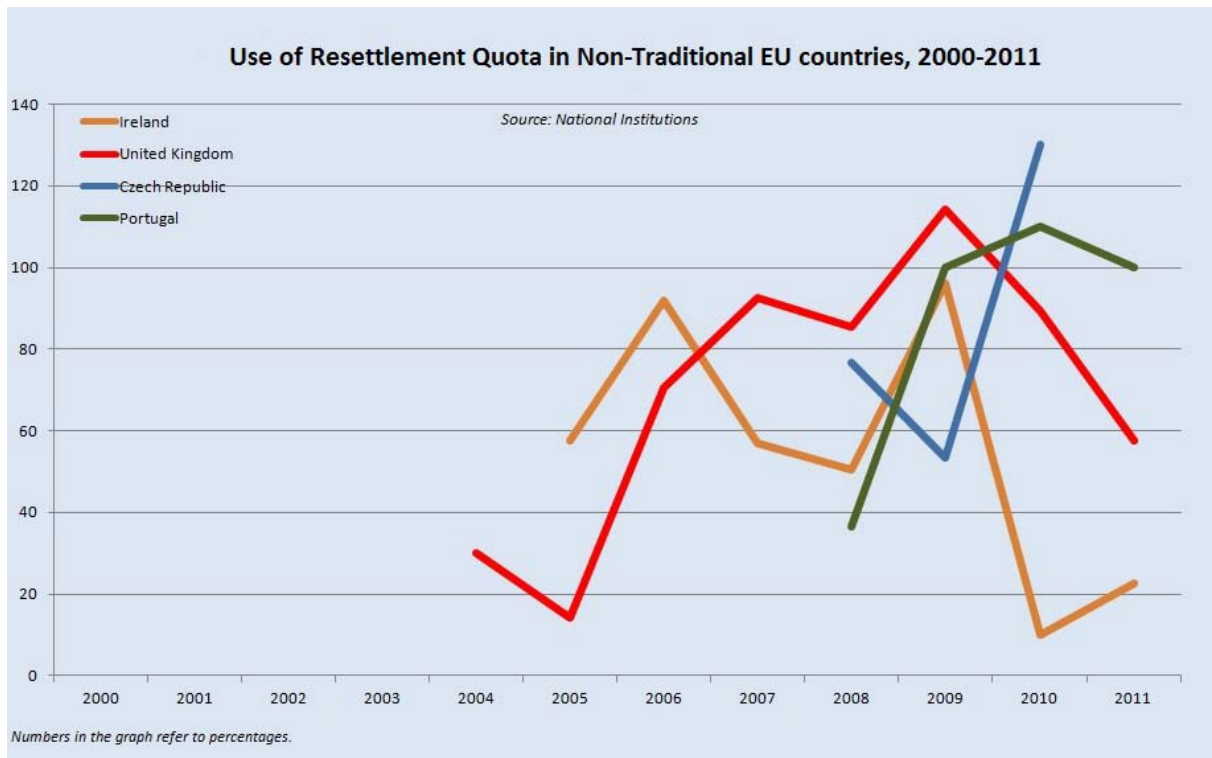
Source: National Institutions. The term "Total Protection Granted" refers to the total number of Admission to Refugee Status and Resettlement. The term "Admission to Refugee Status" indicates the number of refugees granted protection under refugee status, and other type of protection (i.e. subsidiary protection, humanitarian protection) while "Resettlement" refers to protection granted by resettlement activities.

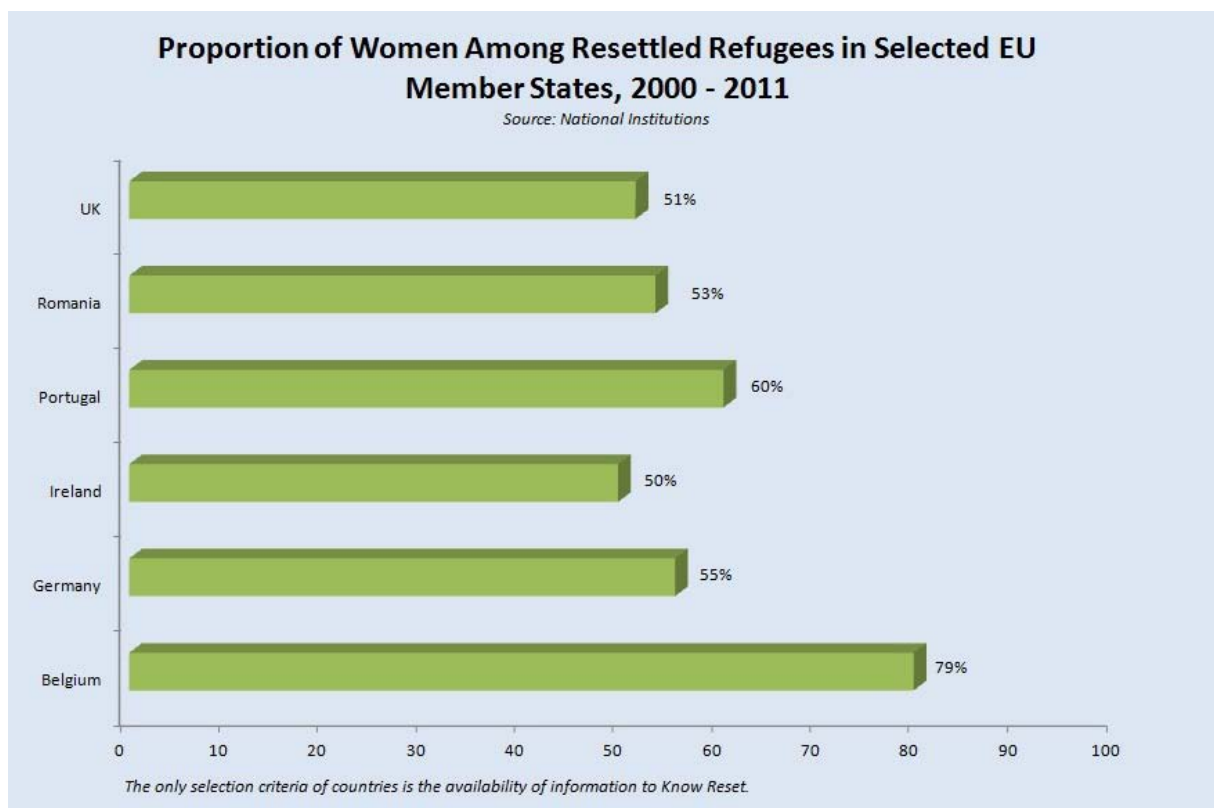
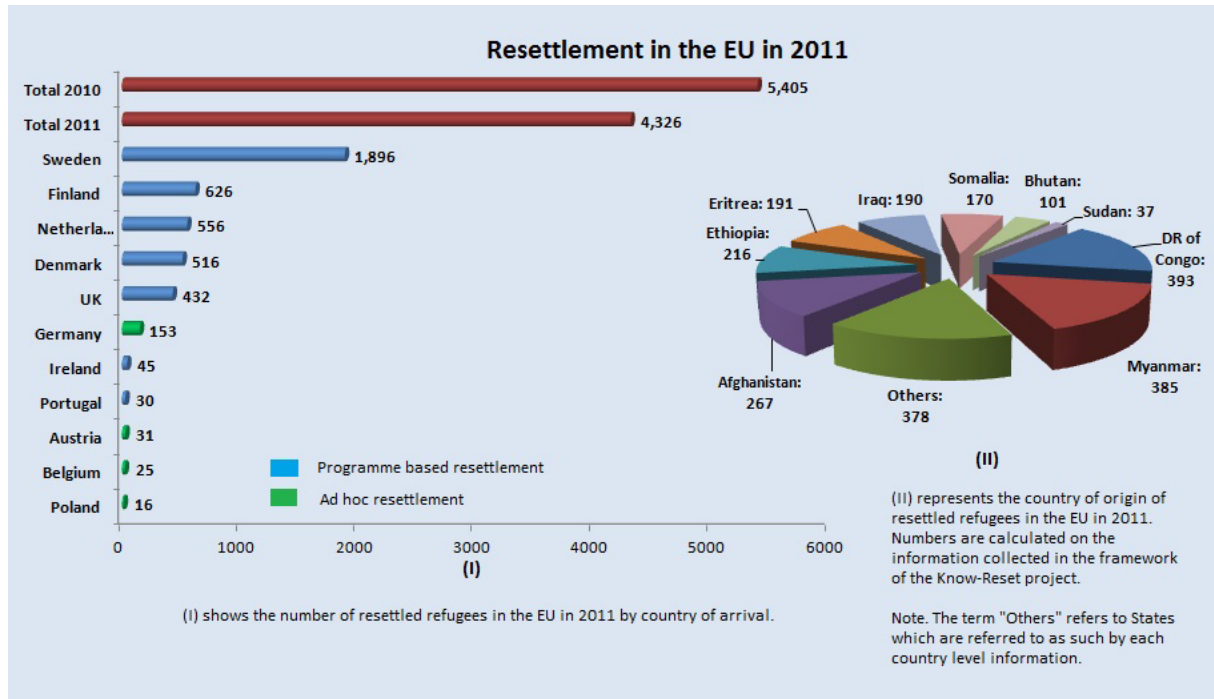
Note: No information available to Know Reset for following countries and years: the UK (2000), Italy (2010, 2011 information available only from national authorities, see country page for detailed information), France (2000, 2011), Austria (2000, 2001), Belgium (numbers indicate of number of files instead of number of individuals).

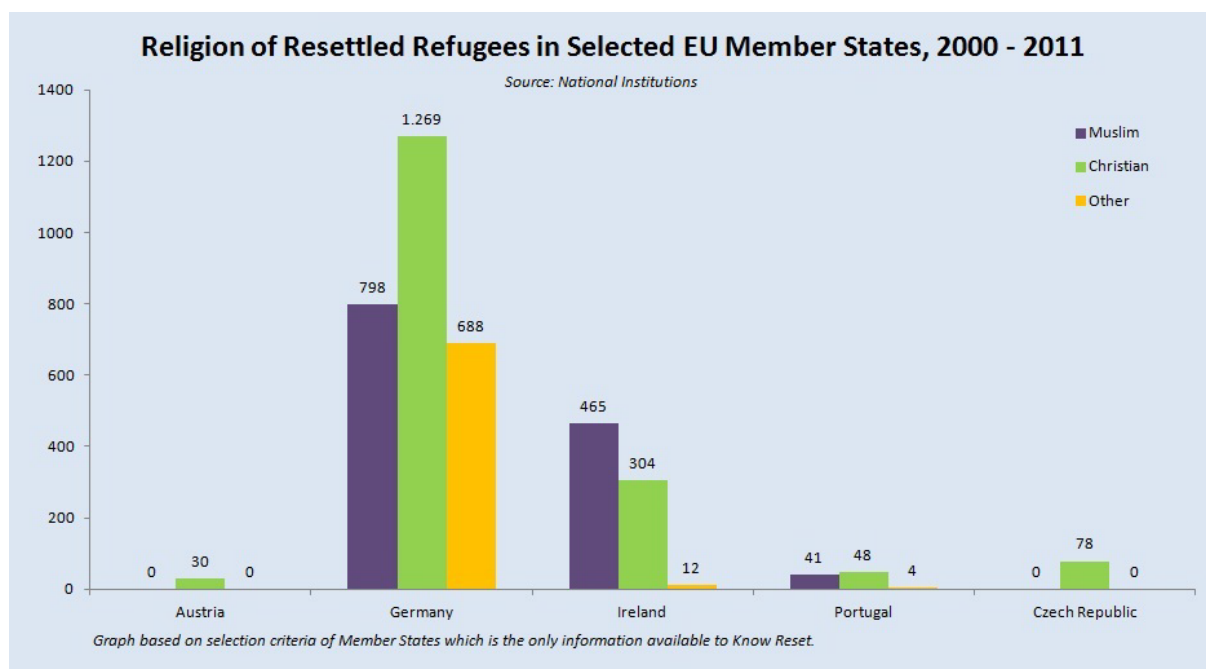












**Top Three Countries of Origin of Resettled Refugees on a Programme Basis in Selected EU Member States, 2000 - 2011**

Source: National Institutions

Country of Origin	Resettlement Destination						
	Czech Republic	Denmark	Finland	Ireland	Netherlands	Portugal	UK
Afghanistan			965				
Bhutan		488					
Cuba	10						
DR of Congo		1,181			461	24	854
Eritrea						35	
Ethiopia							548
Iraq			895		611	27	1,060
Iran				234			
Myanmar	78	1,204	1,428	182	566		
Sudan				94			
Uzbekistan	15						
<b>Total of Top 3</b>	<b>72</b>	<b>2,873</b>	<b>3,288</b>	<b>510</b>	<b>1,638</b>	<b>86</b>	<b>2,462</b>
<b>Total Resettlement</b>	<b>72</b>	<b>5,539</b>	<b>6,241</b>	<b>771</b>	<b>4,537</b>	<b>137</b>	<b>3,637</b>
<b>% of Top 3</b>	<b>100%</b>	<b>52%</b>	<b>53%</b>	<b>66%</b>	<b>36%</b>	<b>63%</b>	<b>68%</b>

Note: In the table above, darker blue indicates higher number of resettled refugees from corresponding country of origin.

**FORMAL BASIS FOR RESETTLEMENT AND EFFECTIVE RESETTLEMENT IN THE EU MEMBER STATES**

<b>EU Member State</b>	<b>Formal Basis for Resettlement</b>		<b>Date of resettlement</b>	
	<b>Specific provision in Law</b>	<b>Governmental Act</b>	<b>Ad Hoc Resettlement</b>	<b>Programme based Resettlement</b>
<b>Austria</b>	<i>None</i>	<i>None</i>	2011	<i>None</i>
<b>Belgium</b>	<i>None</i>	*Decision of the Council of Ministers on a specific resettlement – Iraqi and Palestinians from refugee camps in Syria and Jordan (2009)  *Decision of the Cabinet on a specific resettlement – from Libya (2011)	2009  2011	Since 2013
<b>Bulgaria</b>	<i>None</i>	*Council of Ministers draft decision (2012) - Pilot programme	<i>None</i>	Planned for 2014
<b>Cyprus</b>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
<b>Czech Republic</b>	Asylum Act (1999), Section 90		2005	



		<p>*Government Resolution on a specific resettlement – Burmese (2008)</p> <p>*Government Resolution on a specific resettlement – Burmese (2009)</p> <p>*Government Resolution on a specific resettlement – Burmese (2010)</p>	<p>2007</p> <p>2010</p>	Since 2008
<b>Denmark</b>	Aliens Act (2011), as amended in 2005, Section 8	None	None	Since 1978
<b>Estonia</b>	None	None	None	None
<b>Finland</b>	Aliens Act (2004), Section 90, 91, 92.	*Decision on the geographical allocation of the refugee quota, 17 February 2012	None	Since 1985
<b>France</b>	None		<p>Since 1948</p> <p>Other relevant dates:</p>	

## Country Comparison Resettlement In The Eu And Its Member States

		*Framework Agreement between France and the UNHCR (2008)	1956 1974-1984 1999 2008	Since 2008
<b>Germany</b>	Residence Act (2004), Section 22.	*Ruling of the Federal Ministry of the Interior about Iraqi refugees (2008)  *Decision on the launch of a permanent resettlement programme and on admission of refugees from North Africa (2011)	2009	Since 2012
<b>Greece</b>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
<b>Hungary</b>	Asylum Act (2007), Section 7	*Governmental Decree (2011) Refugee Solidarity Programme related to the North-African crisis	<i>None</i>	2012
<b>Italy</b>	<i>None</i>	<i>None</i>	2007 2008-2009 2009	<i>None</i>

			2010	
<b>Latvia</b>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
<b>Lithuania</b>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
<b>Luxembourg</b>	<i>None</i>	<i>None</i>	2009	<i>None</i>
<b>Malta</b>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>
<b>Netherlands</b>	<i>None</i>	<p>*Decree (2000) transfers responsibility for the quota policy for resettled refugees to the Minister of Justice</p> <p>*Decree of the Minister of Justice (2010) outlines Dutch resettlement policy</p> <p>*Government Decision (2012) Policy Framework for Resettlement (2012-2015)</p>	<i>None</i>	Since 1984
<b>Poland</b>	Act on granting protection to foreigners (2003), as amended in 2011	<i>None</i>	2011	<i>None</i>
<b>Portugal</b>			2006	

Country Comparison Resettlement In The Eu And Its Member States

	Asylum Law (2008), Chapter III Section V	*Resolution of the Council of Ministers (2007)		Since 2007
<b>Republic of Ireland</b>	Refugee Act (1996), Section 24.	*Cabinet Decision (1998) – Quota decision  *Cabinet Decision (2005) – Quota decision	None	Since 1998
<b>Romania</b>	Law on Asylum (2006), Article 3(5)	Agreement with UNHCR and IOM (2008): Emergency Transit Centre in Timisoara  Decision on the Resettlement of Refugees (2008) – Sets out regulation of resettlement and states how many refugees will be resettled during the period 2008-2010  2012 Decision to amend the 2008 Decision on the Resettlement of Refugees in Romania	None	In 2008      Planned for 2012-2013
<b>Slovakia</b>	None	*Agreement with UNHCR and IOM (2009): Emergency Transit Centre in Humenné  *Agreement with UNHCR and IOM (2010): Emergency Transit Centre in Humenné	None	None

<b>Slovenia</b>	International Protection Act (2007), Chapter VIII Section 70	*Government Decree on implementation of resettlement based on yearly quota (2011)	None	None
<b>Spain</b>	Law regulating the right to asylum and subsidiary protection (2009)	<p>*Royal Decree (1995) – makes reference to UNHCR requests to resettle</p> <p>*Decision of the Council of Ministers (2010) – Approves the 2010 programme: 75 refugees</p> <p>*Decision of the Council of Ministers (2011) – Approves the 2011 programme: 100 refugees</p> <p>*Communication of the Council of Ministries (2012) - Approved a new Resettlement Programme</p>	Since 1979	<p>2012</p> <p>Planned for 2013-2014</p>
<b>Sweden</b>	Aliens Act (2005), Chapter 5 Section 2	*Spending authorization for the Migration Board (2011) –by the Ministry of Justice, defines the	None	Since 1950

Country Comparison Resettlement In The Eu And Its Member States

		resettlement quota for 2012  *Migration Board Decision on Resettlement (2012) - Distribution of places, strategic and operational assessments		
<b>United Kingdom</b>	Nationality, Immigration and Asylum Act (2002), Section 59	None	None	Since 2004
	<i>13 EU countries refer to resettlement in Law.</i>	<i>15 EU countries have adopted government acts related to resettlement.</i>	<i>10 EU countries have resettled on an ad hoc basis.</i>	<i>14 EU countries have resettled on a programme basis.</i>
	<i>18 EU countries have had a formal basis for resettlement.</i>		<i>16 EU countries have already resettled.</i>	

## PRE-ARRIVAL AND POST-ARRIVAL PHASES OF REFUGEE RESETTLEMENT IN THE EU MEMBER STATES

### I. PRE- ARRIVAL PHASE

Pre - arrival phase  EU countries		Selection criteria		Selection process			Application Process		Pre-departure activities
		UNHCR criteria*	National Target Preferences	Dossiers	Missions	Actors involved	Before arrival	Upon arrival	Cultural orientation
1	Austria	No	2011: Christian Iraqis		Selected by representatives in Iraq of the archdiocese in Vienna	-The Church -IOM -Ministry of the Interior	Yes		n/a
2	Belgium	No (2009, 2011)	2011: Family with children and single women.  2009: women –at – risk and Palestinians	Yes (2011)	Yes (2009)	-UNHCR -CGRA -State Secretary for Asylum and Migration -FEDASIL	Pre-Selection	Yes (simplified procedure)	2011: CO not provided. Information pamphlets covering information about Belgium were printed but not given to refugees.
3	Bulgaria	Yes (possible)	Bulgaria is interested in resettling Afghani and Iraqi refugees from Turkey.	/	/	-UNHCR -State Agency for Refugees	/	/	/
4	Cyprus	/	/	/	/	/	/	/	/
5	Czech Republic	No	Possibly vulnerable persons: seriously ill	Possible	Yes	- UNHCR -The	Pre-Selection	Yes (simplified)	Done by the Resettlement Group when interviewing

\* Yes: The State accepts obligations towards refugees recognised by UNHCR according to a broader definition – Mandate Refugee Status – No: Geneva Convention criteria and generally Subsidiary Protection criteria.

			persons, children, women at risk and other cases, based on specific humanitarian factors. Some integration aspects are also taken into consideration.			Resettlement Group -Minister of Interior		procedure if previous UNHCR refugee status)	the people in need of resettlement in the country of first asylum – initial information about what they can expect from resettlement in the Czech Republic and to what extent they will receive assistance on arrival.
6	Denmark	No	Sub-quotas: 75 urgent cases; “Twenty-Or-More” for specially sick or handicapped refugees.  Integration criteria included in 2005. Supplementary criteria of influence: language qualifications, education and work experience, social network, age, motivation.	Yes (Urgent cases)	Yes	-UNHCR -Danish Immigration Service (DIS) -Danish Refugee Council (DRC) -Municipalities	Yes		Yes done by DIS and Danish language teachers. Offered to all refugees accepted on selection missions but not to refugees on dossier basis. Over one week.
7	Estonia	/	/	/	/	/	/	/	/
8	Finland	Yes (possible)	Annual geographical allocation of the quota, based on the need of continuity in the chosen refugee groups.  Capacity to integrate is a factor.	Emergency and Urgent cases	Yes	-UNHCR -Finnish Immigration Services (MIGRI)	Yes		Cultural orientation is the remit of IOM. The arrangement was established in 2001 and ran until the termination of the contract in 2010. The co was not arranged in 2011 and



			10% of the quota are reserved for emergency cases and urgent cases.						the contract is currently being negotiated. Currently no cultural orientation is organized.
9	France	Yes	2008 (Iraq 500): Belonging to a religious minority (especially Christian) and link with France (either through family ties or knowledge of French by at least one family member). Residence either in Iraq or in a neighbouring country: Jordan, Syria, Lebanon or Turkey.  Programme-Based: Integration potential together with protection need; consideration of the reception and housing capacity in the country.	Yes	No	-UNHCR - Ministry of Home Affairs -OFPRA	Pre-Selection	Yes	Sessions of cultural introduction can be organised by IOM. This has been done only for Iraqis and EU relocation. When such activities cannot be organised, the IOM may distribute an information package, of which the Information Leaflet for People Resettled in France.
10	Germany	Yes	2008: Focus on members of persecuted (religious) minorities, victims of violence and with special medical	Pre-Selection	Yes	-UNHCR -BAMF		Yes	No

			needs, single women with children. Other criteria such as capacity of integration, ties with Germany and family unity.  2011: Priority to refugees with Sub-Saharan origin who fled from Libya.						
11	Greece	/	/	/	/	/	/	/	/
12	Hungary	No	No specific admissibility criteria. A family (5-8 persons) from the North-African region. Aspects to consider when doing resettlement: need for international protection, security reasons, integration possibilities.	/	Yes	-UNHCR -OIN		Yes	No
13	Ireland	Yes	Preference -Group resettlement -“balanced” caseload (mix of women at risk, disable persons, etc) -community or spiritual leaders	Yes	Between 2005 and 2008	-UNHCR -Minister for Justice and Equality -Minister for Foreign Affairs - Office for the Promotion of Migrant Integration (OPMI)	Yes		Yes Through the Irish authorities

14	Italy	Yes	No additional criteria. Possibly national security considerations.	Yes	No, except in Iraq in 2009 to assess the local situation.	-UNHCR -Ministry of Home Affairs -Territorial Commissions	Pre-Selection	Yes (Simplified Procedure)	No
15	Latvia	/	/	/	/	/	/	/	/
16	Lithuania	/	/	/	/	/	/	/	/
17	Luxembourg	No	2009: Families with children (young if possible), including single-parent families.	Yes		-UNHCR -Ministry in charge of immigration -OLAI -CARITAS	Yes		OLAI did prepare some leaflets concerning rights upon arrival, including healthcare and education
18	Malta	/	/	/	/	/	/	/	/
19	Netherlands	No	Subquota: 30 Medical cases. Refugees with medical needs and women at risk are resettled through the 'Twenty-Or-More' programme.  More emphasis will be placed on the Integration potential which has been applied since 2005. Dutch Minister for Immigration and Asylum recently proposed resettlement be used as strategically as possible with regard to the other purposes of the country's	Yes: 100 refugees/year	Suspended from 1999 to 2005. Yes: 400 refugees/year	-UNHCR -Minister for Immigration, Integration and Asylum (quota definition) -Ministry of Justice -Municipalities -Ministry of the Interior and Kingdom Relations, - Ministry of Foreign Affairs -Resettlement Unit of the Immigration and Naturalisation Service (IND) - Central Agency for the	Yes	No	Organised by COA, consisting of three trainings. Content: elementary Dutch language skill; Information about the Dutch society; Information about the receiving municipality; and the future accommodation. For dossier-based refugees, CO trainings are developed and offered by IOM in cooperation with COA.

			migration policy and UNHCR to select more higher profile refugees such as human rights activists and academics.			Reception of Asylum Seekers (COA)			
20	Poland	n/a	Humanitarian aspects, necessity to satisfy the essential needs of resettled refugees, actual costs of individual programmes of integration.	n/a	In the future: Interview by the Officer of the Border Guard delegated to the selection task.	-Council of Ministers -Head of the Office for Foreigners via the officer of the Border Guard outside Poland	Yes	Yes	n/a
21	Portugal	Yes	Programme: Continuity in resettlement; Privilege to citizens coming from the African continent and from Eastern Europe, but not excluding other situations of citizens coming from other places, if these justify their priority selection, mainly for serious humanitarian reasons.  2011: People from countries covered by	Yes	None so far	-UNHCR - Immigration Service / Refugee and Asylum Cabinet - Ministry of Internal Affairs, -Portuguese Aliens and Borders Service -Portuguese Refugee Council.	Yes		Non systematic distribution of a "Cultural Orientation Leaflet for Resettled Refugees in Portugal".

			a Regional Protection Programme, unaccompanied minors, children and women at risk.						
22	Romania	No	<p>Potential for integration applied in 2008, dropped in 2012.</p> <p>2012 Criteria: Express consent of the refugee to be resettled in Romania; Romania's foreign policy; Relocation requirements at EU level. Minimum medical requirements to be defined.</p>	Pre-Selection	Yes	<ul style="list-style-type: none"> <li>-UNHCR</li> <li>-Minister of Administration and Interior – Minister of Foreign Affairs</li> <li>-Romanian Office for Immigration (ROI)</li> </ul>	Pre-Selection	Yes	<p>Yes</p> <p>Romanian NGOs involved in integration programmes will participate to the selection missions to inform refugees on integration activities in Romania and prepare integration programmes.</p> <p>In addition, possible cultural orientation and counselling services provided by ROI.</p>
23	Slovakia	/	/	/	/	/	/	/	/
24	Slovenia	n/a	Global migration trends, crisis areas around the world, integration capacities.	Yes	Possibly	<ul style="list-style-type: none"> <li>-UNHCR</li> <li>-Ministry in charge on internal affairs</li> </ul>	Yes		<p>Yes</p> <p>Informative lecture - general information on Slovenia, cultural characteristics and habits, on the prohibition of polygamy and gender equality, rights and obligations of persons enjoying international protection in Slovenia.</p>

25	<a href="#">Spain</a>	Yes (possible)	The criteria will be defined on yearly basis. Will follow EU policies.	Yes (in the future)	2011 (Syria) 2012 (Tunisia)	-UNHCR -OAR (Office of Asylum and Refugees)	Yes		Yes (2011) By IOM – Information sessions about Spain
26	<a href="#">Sweden</a>	Yes	No additional criteria. Number of places by country of first asylum decided annually. 350 places for urgent and emergency cases.	Yes, for more than half of the quota.	Yes, for less than half of the quota.	-UNHCR -Migration Board	Yes	Possible	Yes (Migration Board Officers) For more than half of the refugees selected for resettlement, mainly those selected via in country selection missions. Generally, cultural orientation is carried out in 7-10 days.
27	<a href="#">United Kingdom</a>	Yes	Regional allocation targets, including RPP. Small percentage for medical cases and a higher percentage for women-at-risk. For Mandate refugees: integration potential and links with the UK.	Possible	Yes	-UNHCR -UK Border Agency (UKBA) - Refugee Team in the Asylum Casework Directorate	Yes	No	By UK mission staff to refugees explaining the travel, reception and initial integration arrangements. Previously by IOM. Since 2011, a 1 day programme has been delivered by staff from the Refugee Resettlement Unit at the UKBA. It includes video interviews with refugees previously resettled through the programme in which they talk about their experiences of resettling and advice for new arrivals.

**II-POST- ARRIVAL PHASE**

<div>Post-arrival phase</div> <div>EU countries</div>		Status granted			Rights granted			
		Refugee	Subsidiary protection	Programme refugee status or other Specific status	The same as national citizens	The same as refugees	The same as persons under the subsidiary protection status	Other specific rights under national law
1	Austria	X				X		
2	Belgium	X			X for health care and social welfare, access to education and employment.	X (5 year-stay permit)		Right of permanent residence.
3	Bulgaria	X			Potential to become naturalized at a later phase	X		
4	Cyprus	/	/	/	/	/	/	/
5	The Czech Republic	X			X for health care and social welfare, access to education and employment. Citizenship may be granted on request after 5 years of permanent residence.	X (10 year-stay permit)		
6	Denmark	X	X		X for health care and social welfare, access to education and employment. Access to citizenship after 8 years.	X (access to permanent residence after 7 years)	X	4 year- residence permit
7	Estonia	/	/	/	/	/	/	/
8	Finland			X (Quota Refugees)	X for health care and social welfare, access to education and employment, after the 'integration period'. Access to citizenship after 5 years.	X		4 year-residence permit Direct access to immigrants' benefits upon arrival

9	France	X	X		X for health care, social welfare and housing, access to education and employment.	X (10 year-stay permit)	X (1 year-stay permit)	
10	Germany			X	X for health care and social welfare, access to education and employment.			3 year-stay permit. After 7 years a settlement permit can be granted. Strict conditions for family reunification.
11	Greece	/	/	/	/	/	/	/
12	Hungary	X	/	/	/	X	/	/
13	Ireland			X (Programme Refugees)	X for health care and social welfare, access to education and employment. Access to citizenship after 3 years – to be extended to 5 years by future reform.	X		Facilities for family reunification
14	Italy	X	X		X for health care and social welfare, access to education and employment.	X (5-year stay permit)	X (3-year stay permit)	
15	Latvia	/	/	/	/	/	/	/
16	Lithuania	/	/	/	/	/	/	/
17	Luxembourg	X			X Social welfare and healthcare	X		
18	Malta							
19	Netherlands			X (Invited Refugees)	X for health care and social welfare, access to education and employment. Access to citizenship after 5 years of permanent residence.	X (Access to permanent residence after 5 years)		5 year residence permit.



20	Poland	X	X			X	X	
21	Portugal	X	X		X for health care and social welfare, access to education and employment. Access to citizenship after 6 years.	X (5 year-stay permit)	X (2 year-stay permit)	
22	Romania	X			X for health care, access to education and employment.	X		
23	Slovakia	/	/	/	/	/	/	/
24	Slovenia	X			X for health and social care, access to education and employment.	X		Right to permanent residence
25	Spain	X	X		X for health care and social welfare, access to education and employment.	X (5 year-stay permit)	X (1 year-stay permit)	
26	Sweden	X	X		X for health care and social welfare, access to education and employment. Access to citizenship after 4 years for refugees, after 5 years for beneficiaries of subsidiary protection.	X	X	Permanent Residence Permit
27	United Kingdom	x			X for medical care and social welfare, access to education and employment. Access to citizenship after 5 years	X		Indefinite Leave to Remain

## **PART II**

### **“RESETTLEMENT COUNTRY PROFILES”**

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Austria***

Report written by

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**and reviewed by the Know Reset team**

July, 2013

### Country Profile: AUSTRIA

In the period after the Second World War Austrian migration and refugee policy was strongly influenced by the political events in the neighbouring countries to the east. Between the years 1945 and 1950 it hosted more than one million displaced persons from Germany and other parts of Central and Eastern Europe. Some of these people were then resettled to third countries to alleviate Austria's burden<sup>1</sup>. Due to its geographical position as a neighbouring country to communist states, Austria became an important destination for political refugees from its eastern neighbours. In the wake of the Hungarian Revolution in 1956, approximately 180,000 Hungarians arrived in Austria, a major part of which considered it as a transit country and only 20,000 of them settled down permanently in Austria. Also, the violent suppression of the Prague Spring in Czechoslovakia led 162,000 Czechs and Slovaks to leave their country. An estimated 12,000 of them remained in Austria, while others either returned to Czechoslovakia or emigrated to other states. Moreover, Austria served as a transit country in 1981 and 1982 for members of the Solidarność movement fleeing from Poland.

In this context it is also important to mention that in the 1970s Austria resettled nationals from Uganda, Chile, Indochina and Iraq. These activities took place in cooperation with international organisations such as UNHCR or the International Rescue Committee. Furthermore, between 1968 and 1986 Austria hosted around 300,000 Jews from the former Soviet Union and Eastern Europe, who then emigrated to Israel and the USA.

At the end of the 1980s, Austria was no longer a country of transit but a host country. As was the case in Germany, Austria also hired a workforce in the post war period from southern and eastern European countries, the so called *Gastarbeiter*, who were supposed to cover the need for workforce and to return to their countries when no longer needed. But many of these mostly male *Gastarbeiter* settled down and brought their families to Austria. In the period between 1961 and 1974 approximately 265,000 people had immigrated to Austria in the framework of this policy.

The oil crisis in the 1970s and the economic recession led to a stronger competition on the Austrian labour market, especially because many Austrians who had worked abroad returned to Austria in search of work. As a result of language and integration problems, foreign nationals were disadvantaged and faced higher unemployment rates. In addition to that the continuing flow of refugees from the former communist states created social tensions and caused political debates about a more restrictive immigration and asylum policy. Since 1990 the laws on immigration and asylum have become more and more restrictive. A quota on the foreign work force in the Austrian labour market was introduced and measures for faster deportation were adopted. The introduction of the clause of the safe third countries in the new law on asylum in 1991 restricted the possibilities to file an asylum application. Asylum claims from foreign nationals who have travelled to Austria through a so called "safe third country" are considered as unfounded and will be rejected.

Public opinion with regard to refugees and immigrants in Austria has progressively become more negative over the past 20 years. The topic of resettlement is not of an important political concern. According to surveys, more than half of the Austrian population consider the integration of foreign nationals as rather bad and favour stronger integration measures.

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<sup>1</sup> UNHCR representative in Austria, Christoph Pinter.

Asylum Profile	
<u>Number of protection status granted</u> <sup>2</sup>	3,572 (2011) 2,977 (2010)
Number of asylum seekers <sup>3</sup>	14,416 (2011) 11,012 (2010)
Resettlement Scheme	Ad hoc
Resettlement Quota	/
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><u>Federal Act Concerning the Granting of Asylum</u>, 2005</p> <p><u>Federal Act concerning Settlement and Residence in Austria</u>, 2005</p>	<p>No specific provision relating to resettlement.</p> <p>Defines the asylum status and subsidiary protection status of foreigners and the general procedures for the granting of them. It contains provisions on its preconditions and on the granting ex officio from which follows the recognition of the refugee status:</p> <p>§ 3. (4) An alien shall be granted asylum status ex officio without any further procedure if the Republic of Austria has undertaken to do so under international law.</p> <p>(5) The ruling whereby an alien is granted asylum status ex officio or on the basis of an application for international protection shall be issued in conjunction with a declaration that refugee status is accordingly conferred upon the alien by operation of the act.</p> <p>Contains the preconditions for the issuance of residence and settlement permits, including for humanitarian reasons and the right of residence for displaced persons. It also provides rules on the integration course offer for persons entitled to settle.</p>
Other basis of resettlement	/
On-going or foreseeable project/reform	Austria is not interested in becoming a resettlement country.
II. Resettlement Policy and Related Involvements	
<p>a) <u>On an ad hoc basis</u><sup>4</sup></p> <ul style="list-style-type: none"> <li>1972</li> </ul>	<p>101 Indian and Pakistani refugees from Uganda. They had been brought to Africa by the British colonial rulers as cheap workforce around the turn of the century and were expelled by Uganda's president Idi Amin.</p> <p>This act was supposed to underline Austria's humanitarian attitude, but the Ministry of the Economy and the Austrian Federal Economic Chamber committed strongly in the resettlement of highly qualified</p>

<sup>2</sup> [http://www.bmi.gv.at/cms/BMI\\_Asylwesen/statistik/start.aspx](http://www.bmi.gv.at/cms/BMI_Asylwesen/statistik/start.aspx)

<sup>3</sup> Ibid.

<sup>4</sup> [http://www.asyl.at/projekte/et\\_legal\\_entry\\_austria.pdf](http://www.asyl.at/projekte/et_legal_entry_austria.pdf).

<ul style="list-style-type: none"> <li>• 1973 and 1977</li> <li>• 1974</li> <li>• Between 1979 and 1983</li> <li>• 1991</li> <li>• 2011</li> </ul>	<p>refugees. Between 1972 and 1974 approx. 1,500 refugees were accommodated in Austria. However 1,400 of them left Austria again and were resettled to the Netherlands, Sweden, Canada and Great Britain.</p> <p>After the Coup d'état in Chile the Austrian Government decided to accept UNHCR's request to host between 200 and 250 refugees from Chile and Argentina. The refugees from Argentina arrived only in 1976/77 in Austria. Between November 1973 and July 1974 only 160 refugees from Chile arrived in Austria, but many Chileans came on their own account, because no visa was needed for entering Austria. An estimated 1000 Chileans were resettled to Austria and many of those who had come from Argentina were already in possession of a convention passport. However, this passport caused problems with the work permit because the Austrian employment centre only accepted the Austrian convention passport. Against reimbursement the UN refugee funds from Vienna financed and first organised private accommodation, then housing granted by the Ministry of the Interior.</p> <p>In 1974 Austria granted asylum to 100 Iraqi Kurds who had fled to Iran. They had to register for the resettlement in the Iranian refugees camps. Among the refugees were university graduates with their families and students.</p> <p>On request of UNHCR the Austrian Minister of the Interior decided in 1979 to resettle 196 refugees from Vietnam. After the UN conference in 1979 another quota of 100 and shortly after that a further quota of 500 persons was granted. By 1983, approximately 2,000 refugees from Vietnam were hosted in Austria. NGOs played an important role: Caritas Oberösterreich sponsored the resettlement of 700 Vietnamese refugees, parishes offered housing and work for 500 refugees.</p> <p>In the wake of the First Gulf War Austria resettled 201 Iraqi Kurds from Turkey in 1991 and 100 Iraqi refugees from Iran. Criteria for the selection were the intensity of the persecution in Iraq, relations to Austria (e.g. relatives living in Austria) as well as the need for protection.</p> <p>31 Iraqi Christians were accommodated in Austria following the initiative of the Cardinal Christoph Schönborn.</p>
<p><b>b) On a programme basis</b></p>	<p>/</p>
<p><b>c) "Temporary Resettlement": Humanitarian Evacuation<sup>5</sup></b></p>	<p>The Austrian authorities emphasize that the resettlement activities of the 31 Christians from Iraq in 2011 were a humanitarian evacuation and no resettlement. Austria defines resettlement as being limited to those evacuations where refugees are evacuated from a third country and not from their country of origin.<sup>6</sup> The activities that have been carried out by Austria are an expression of solidarity and no commitment towards further resettlement.</p>
<p><b>d) Through other Projects</b> Governmental Level Non-Governmental Level</p>	<p>n/a n/a</p>
<p><b>e) "Resettlement-like" experience</b> From Guantanamo Intra-EU "Relocation"</p>	<p>None<sup>7</sup> None<sup>8</sup></p>

<sup>5</sup> [http://www.asyl.at/projekte/et\\_legal\\_entry\\_austria.pdf](http://www.asyl.at/projekte/et_legal_entry_austria.pdf).

<sup>6</sup> Interview with the Ministry of the Interior, 6 February 2012.

<sup>7</sup> <http://www.news.at/articles/0911/15/236347/guantanamo-haeftlinge-eu-auskuenfte> (February 2012).

<sup>8</sup> Interview with Anni Knapp from the NGO Asylkoordination Österreich, 8 February 2012.

<b>III. Resettlement Implementation</b>	
<p><u><b>Refugees resettled</b></u></p> <p>2011</p>	<p>31 Iraqi Christians (from Bagdad, Mosul, Kirkuk und Ninive), mostly family unions and some single persons, were accommodated in Austria. They were directly evacuated from Iraq and arrived in Austria on 17 February 2011. They were supposed to spend their first months in the House of Education and Professional Integration (Haus der Bildung und beruflichen Integration) of the Austrian Integration Funds.<sup>9</sup> The Ministry of the Interior organised intensive preparation measures before their entry to Austria. Among these were the implementation of the necessary security checks, the organisation of the entry formalities, the creation of a detailed integration concept as well as permanent contacts with the IOM and the Federal Ministry of Foreign and International Affairs.</p> <p>They were entitled to asylum and following on from that they were granted refugee status.<sup>10</sup></p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>The selection was mainly the competence of the Church. Through representatives in Iraq, the archdiocese of Vienna suggested 31 persons from Bagdad, Mosul, Kirkuk und Ninive who had all been afflicted by violent acts from Islamic extremists and who were nearly all forced to flee from their homes. Some have lost family members or close relatives.<sup>11</sup></p>
<p><b>Selection Process</b></p> <p>2011</p>	<p>Selection done by the Catholic Church.<sup>12</sup></p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>2011 Operation:</p> <p>/</p> <p>The organisation and the implementation of the transfer of these 31 persons to Austria were carried out by the International Organisation for Migration (IOM).</p> <p>Among their tasks were medical check-ups, the granting of visas through the Austrian Embassy in Amman and the providing of an exit permission from Iraqi authorities.</p>
<b>Procedure Timing</b>	n/a
<b>Comments</b>	<p>The initiative to resettle Christians from Iraq is taken mostly following the commitment of the Catholic Church. The Church was also strongly involved in the implementation of this resettlement action.</p>

<sup>9</sup> <http://www.bmeia.gv.at/aussenministerium/presenews/presseaussendungen/2011/ankunft-von-30-irakischen-christen-in-oesterreich.html> (February 2012).

<sup>10</sup> Interview with the Ministry of the Interior.

<sup>11</sup> Ibid.

<sup>12</sup> Interview with Anni Knapp from the NGO Asylkoordination Österreich.

<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b>  § 2 (4) of the Federal Act Concerning the Granting of Asylum	<p>“The selected persons were granted ex officio the status of a person entitled to asylum. For that a declaration of formal obligation was elaborated (with the IOM), in order to grant quickly and without too many administrative formalities the protection status which is connected with the refugee qualification.”<sup>13</sup> The status of a person entitled to asylum grants them contemporaneously also the refugee status.</p>
<b>Rights granted</b>  Agreement between the Federal State and the Länder according to Art. 15a B-VG on the Common Measures for the Temporary Basic Care for Aliens in Need of Protection (Asylum applicants, persons entitled to asylum, displaced persons and other people who cannot be deported for legal or factual reasons) in Austria) <sup>14</sup>	<p>The Grundversorgungsvereinbarung defines the responsibilities between the Federal State and the Länder concerning the Costs for the basic care for aliens in need of protection, to which also the resettled Christians from Iraq belong. It lists the basic needs that will be covered in Art. 6. Among these are:</p> <p>Accommodation in an adequate housing, adequate subsistence; the granting of a monthly pocket money for those living in organized accommodations; the payment of the medical insurance; necessary measures for persons in need of special protection; information and social support through adequate staff and if necessary interpreters; the payment of transport costs in the case of citation to court or to an authority; the payment of the transport costs, the satchel and the stationery for pupils; measures for the structuring of the daily life if needed; payment of funerals and transfer to the home country in the case of decease; support and information for those willing to return to their home countries and a one-time payment for the return.<sup>15</sup></p>
<b>Comments</b>	<p>Even though Austrian authorities do not consider resettlement as an important measure in the framework of its migration policy, there are still some activities e.g. the resettlement of Iraqi Christians. However, this topic is not of public interest and not much can be found out about it in the media.</p>
<b>c) Costs and Funding</b>	
<b>Funding</b>  – <i>National Level</i> – <i>ERF</i>	<p>In 2008 and 2009, 53 asylum projects were co-financed by the ERF with the amount of € 4,308,800.84 and the Ministry of the Interior added further € 3,092,716.45.<sup>16</sup></p>
<b>Costs</b>	n/a
<b>Comments</b>	<p>Austria shows no interest in becoming a resettlement country. As the numbers of asylum applications have again risen there is no foreseeable possibility of participating in resettlement in the future. Authorities argue that there is a huge workload of pending asylum applications that have to be resolved before any further commitment in resettlement is possible.</p>

<sup>13</sup> Interview with the Ministry of the Interior.

<sup>14</sup> German version: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003460> (February 2012).

<sup>15</sup> See also: [http://www.bmi.gv.at/cms/BMI/aus\\_dem\\_innenen/files/Fremdenwesen.pdf](http://www.bmi.gv.at/cms/BMI/aus_dem_innenen/files/Fremdenwesen.pdf) (February 2012).

<sup>16</sup> [http://www.bmi.gv.at/cms/BMI/aus\\_dem\\_innenen/files/Fremdenwesen.pdf](http://www.bmi.gv.at/cms/BMI/aus_dem_innenen/files/Fremdenwesen.pdf) (February 2012).





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Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Belgium***

Report written by

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December, 2012



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### Country Profile: Belgium

The beginning of 1990's saw a large increase of asylum claims, which led to enactment of a stricter and faster asylum procedure that envisaged the importance of the eligibility procedure increase.

During the following years, immediately after the implementation of this stricter asylum regime, the numbers of asylum applications predictably decreased until it increased again till 2000.

After that, immigration in Belgium had seen a steady increase since 2000, including a rise in intra EU migration<sup>1</sup>. Figures show that in 2010 the immigration population constituted approximately 1/10<sup>th</sup> of the total population<sup>2</sup>. While asylum applications saw a sharp decrease from 2000 onwards, the number of asylum applications subsequently picked up and has seen a steady increase since 2007, rising from 11,115 in that year to 25,479. An increase of 27.77% could be observed in 2011 in comparison to 2010<sup>3</sup>.

On several occasions, Belgium has been criticised and penalized by the European Court of Human Rights for its implementation of immigration and asylum policy and violations of refugee rights. The revolutionary ruling by the European Court of Human Rights recent judgment *M.S.S. vs Belgium and Greece*<sup>4</sup> had an impact on EU Asylum Law, in particular on the application of the Dublin II Regulation and on the Reception Conditions Directive.

Moreover, Belgian immigration policies have been marked by a heavy emphasis on security, and its detention practices have been the subject of much debate at both the national and international levels. Bolstered by recent rulings issued by the European Court of Human Rights on Belgian detention practices, civil society groups and international bodies have criticized the country for a number of controversial practices.

In view of the above facts, the Belgium Government, in its 2011 Governmental Agreement<sup>5</sup>, stated that immigration should be framed better and in accordance with international obligations. Among others the Governmental Agreement also sets out the responsibility for Belgium to offer asylum to those who have fled persecution but simultaneously points out the need for strict measures to limit the pressures for the reception of asylum seekers. Whereas the government mandate is to offer asylum it is also to organize together with countries of origin, discouragement campaigns in order to avoid the arrival of asylum seekers who have no chance to be offered any protection or to be recognised as refugees. Other legislative measures and, somehow more severe for some of them, were foreseen in this agreement with regard to family reunification<sup>6</sup>, detention of irregular migrants with minors children, access to the labour market for workers from Bulgaria and Romania etc.

As mention above, in recent years Belgium has faced a crisis in reception of asylum-seekers<sup>7</sup>. This crisis was moreover exacerbated during the political crisis which was only recently resolved. Asylum applications rose and Commissioner General for refugees and Stateless Persons (here hereafter referred to as CGRS) accumulated a large backlog in dealing with these applications. As the reception capacity crisis is still ongoing, the current Secretary of State for Migration, Asylum and Social Integration, Maggie De Block has been asked to propose solutions through a policy action plan.

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<sup>1</sup> Algemene Directie Werkgelegenheid en Arbeidsmarkt, De Immigratie in België: Aantallen, Stroom en Arbeidsmarkt, Rapport 2009 [http://www.belgium.be/nl/publicaties/publ\\_rapport\\_2009\\_immigratie.jsp](http://www.belgium.be/nl/publicaties/publ_rapport_2009_immigratie.jsp)

<sup>2</sup> FOD Economie, K.M.O., Middenstand en Energie, Bevolking per nationaliteit en geslacht; oppervlakte en bevolking op 1.1.2010, [http://statbel.fgov.be/nl/modules/publications/statistiques/bevolking/Bevolking\\_nat\\_geslacht\\_opp\\_bevolkingsdichtheid.jsp](http://statbel.fgov.be/nl/modules/publications/statistiques/bevolking/Bevolking_nat_geslacht_opp_bevolkingsdichtheid.jsp)

<sup>3</sup> Numbers refer to number of files. [http://www.cgra.be/en/binaries/AsylumStatDecember\\_tcm266-159820.pdf](http://www.cgra.be/en/binaries/AsylumStatDecember_tcm266-159820.pdf): CGRA/CGVS Asylum Statistics, Overview 2011.

<sup>4</sup> [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?#{%22dmdocnumber%22:\[%22880339%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?#{%22dmdocnumber%22:[%22880339%22]})

<sup>5</sup> Case 30696/09 Case of MSS v Belgium and Greece (Grand Chamber) [http://www.premier.be/sites/all/themes/custom/tcustom/Files/Regeerakkoord\\_1\\_december\\_2011.pdf](http://www.premier.be/sites/all/themes/custom/tcustom/Files/Regeerakkoord_1_december_2011.pdf)

<sup>6</sup> <http://www.dekamer.be/FLWB/PDF/53/1964/53K1964009.pdf>

<sup>7</sup> <http://www.presseurop.eu/en/content/news-brief/410181-un-condemns-conditions-asylum-seekers>

Since the Second World War Belgium has carried out several ad hoc resettlement schemes, however no official resettlement has taken place since 1999.<sup>8</sup> The first steps towards renewed efforts began in 2007 and 2008 when representatives from Commissariat général aux réfugiés et aux apatrides (CGRA) and the Agence fédérale pour l'accueil de demandeurs d'asile (Fedasil- Federal Agency for the Reception of Asylum Seekers) participated as observers on selection missions organised by British and Dutch resettlement programmes to Thailand and Tanzania.

The first ad-hoc scheme was undertaken in 2009. Belgium agreed to resettle 50 refugees (of Iraqi and Palestinian origin) in response to the European Council Conclusions in 2008 that encouraged EU Member States to resettle 10 000 refugees from Iraq<sup>9</sup>. A Geneva Convention criterion with a focus on vulnerable groups (women-at-risk and Palestinians) was applied by the CGRA to refugees referred by the UNHCR for resettlement in 2009.

During the second ad-hoc scheme in 2011, 25 refugees were accepted for resettlement in response to the UNHCR's and the EU's initiative calling EU Member States to resettle refugees of Sub-Saharan origin (mainly Somalis, Eritreans, Sudanese and Ethiopians) -identified as particularly vulnerable by both the UNHCR and the EU- who had fled from Libya to the Choucha refugee camp in Tunisia which could only offer temporary protection<sup>10</sup>. The security and conditions within the camp were insufficient and refugees needed an immediate protection solution.

The two ad-hoc programmes carried out in Belgium in 2009 and 2011 were largely seen as successful endeavours. Improvements were observed in the latter programme as the trail was cleared by partners active in 2009. Coordination between actors is well established, especially considering the urgent nature of the resettlement programmes in 2009 and 2011. Nevertheless several practical issues highlighted below need to be addressed to improve resettlement experience for refugees and NGOs.

Though Belgium has potential for creating an annual resettlement programme, there are factors, which make the launching of such a programme difficult at this time. The factors mentioned by actors interviewed were the relatively high numbers of asylum seekers, the reception crisis, political instability and budget problems. Among these factors, the asylum situation in Belgium has the two-fold problem that not only encompasses capacity but also public opinion. At present, public opinion is that Belgium is too generous in granting asylum and therefore not able to accept more refugees through resettlement.

In addition, the general public has little or no knowledge about resettlement. Short press releases were printed when refugees arrived in Belgium but no awareness-raising campaigns were carried out. The fear was expressed however, that while clarifying the difference between refugees who come to Belgium as asylum seekers and those who come through resettlement is important, it could lead to a preference for resettlement.

Before an annual programme could be implemented, Belgium will have to address its asylum situation, work on public opinion and clarify budget issues.

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<sup>8</sup> Available in French only: <http://www.reinstallation.be/apps-local/resettlement.nsf/LFR00Historique.html>

<sup>9</sup> Available in French only: <http://resettlement.be/apps-local/resettlement.nsf/FR3.0Wie.htm>

<sup>10</sup> Available in French only: <http://resettlement.be/apps-local/resettlement.nsf/LFR3.0qui.htm>

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u></p>	<p><b>3,568</b> (2011)<sup>11</sup></p> <ul style="list-style-type: none"> <li>• 2,857 Refugee Status Granted</li> <li>• 711 Other Protection</li> </ul> <p><b>3,201</b> (2010)<sup>12</sup></p> <ul style="list-style-type: none"> <li>• 2,107 Refugee Status Granted</li> <li>• 1,094 Other Protection</li> </ul>
<p><b>Number of asylum seekers</b></p>	<p><b>25.479</b> (2011)<sup>13</sup></p> <p><b>19,941</b> (2010)<sup>14</sup></p>
<p><b>Resettlement Scheme</b></p>	<p>Ad -hoc scheme</p> <p>A programme for 100 refugees to be resettled in 2013.</p>
I. Legal and Administrative Framework	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Aliens Act: Act of 15 December 1980</a></u> concerning the entry, stay, settlement and removal of foreign nationals, amended by law of 15 July 2006.<sup>15</sup> Implemented by Royal Decree of 8 October 1981, as modified by Royal Decree of 27 April 2007.<sup>16</sup></p>	<p><i>No provision for resettlement</i> is provided in the 1980 Aliens Act.</p> <p>Covers entry, stay, settlement and removal, asylum procedure and competencies of asylum authorities.</p>

<sup>11</sup>. Numbers refer to number of files. [http://www.cgra.be/en/binaries/AsylumStatDecember\\_tcm266-159820.pdf](http://www.cgra.be/en/binaries/AsylumStatDecember_tcm266-159820.pdf): CGRA/CGVS Asylum Statistics, Overview 2011

<sup>12</sup>. Numbers refer to number of files. [http://www.cgra.be/en/binaries/ASYLUMSTATdecember10\\_tcm266-114515.pdf](http://www.cgra.be/en/binaries/ASYLUMSTATdecember10_tcm266-114515.pdf): CGRA/CGVS Asylum Statistics, Overview 2010

<sup>13</sup>. Numbers refer to number of files. [http://www.cgra.be/en/binaries/AsylumStatDecember\\_tcm266-159820.pdf](http://www.cgra.be/en/binaries/AsylumStatDecember_tcm266-159820.pdf): CGRA/CGVS Asylum Statistics, Overview 2011

<sup>14</sup>. Numbers refer to number of files. [http://www.cgra.be/en/binaries/ASYLUMSTATdecember10\\_tcm266-114515.pdf](http://www.cgra.be/en/binaries/ASYLUMSTATdecember10_tcm266-114515.pdf): CGRA/CGVS Asylum Statistics, Overview 2010

<sup>15</sup> Original title: Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers.

<sup>16</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=1980121530&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1980121530&table_name=loi),

<p><b>Other basis of resettlement:</b></p> <p><a href="#">Decision of 24 March 2011</a><sup>17</sup>, part of UNHCR Global Resettlement Initiative.</p> <p><a href="#">Decision of the Council of Ministers, 13 February 2009</a><sup>18</sup></p> <p>Circular of 18 September 1992</p> <p>Circular of 19 April 1999 concerning the special status of temporary protection and the reception of Kosovar refugees<sup>19</sup></p>	<p>Decision to resettle 25 refugees from Libya.</p> <p>Decision to resettle 50 refugees from Jordan and Syria.</p> <p>Temporary protection granted to a group of ex-prisoners transferred from the former Yugoslav Republic<sup>20</sup> to Belgium by UNHCR/Red Cross.</p> <p>Temporary protection granted to certain categories of Kosovar refugees.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>Belgium signed up to the Joint EU Resettlement Programme and has pledged to resettle 100 refugees in 2013.</p>
<p><b><i>II. Resettlement Policy and Related Involvements</i></b></p>	
<p><b>a) <a href="#">On an ad hoc basis</a></b><sup>21</sup></p> <p>1956-1957</p> <p>1972</p> <p>1973</p> <p>1975</p> <p>2009</p> <p>2011</p>	<p><b>6,000</b> Hungarians who have fled after the Revolution are resettled in Belgium.</p> <p><b>400</b> Indo-Pakistani refugees who have fled from Idi Amin's Uganda are resettled.</p> <p><b>1,100</b> Chileans fleeing from Pinochet regime are resettled.</p> <p><b>2,500</b> boat refugees from Vietnam and Cambodia</p> <p><b>47</b> refugees of Palestinian and Iraqi origin</p> <p><b>25</b><sup>22</sup> refugees of Sub-Saharan origin</p>

<sup>17</sup> <http://www.vluchtelingenwerk.be/bestanden/parlement/11.05.03,-Kamer,-ComBZ,-Bull212,-De-opvang-van-25-Eritreers.pdf>

<sup>18</sup> <http://www.dekamer.be/doc/CCRI/pdf/52/ic464.pdf>

<sup>19</sup> [http://www.etaamb.be/nl/document-van-19-april-1999\\_n1999000319.html](http://www.etaamb.be/nl/document-van-19-april-1999_n1999000319.html)

<sup>20</sup> Source: EMN Report, Maes, Foblets and Van Heule, EU and Non-EU Harmonised Protection Statutes in Belgium, December 2009. (Unable to find primary source.)

<sup>21</sup> Available in French only: <http://www.reinstallation.be/apps-local/resettlement.nsf/LFR00Historique.html>

<sup>22</sup> Available in French only: <http://resettlement.be/apps-local/resettlement.nsf/LFR3.0qui.htm>

<p><b>b) On a programme basis</b></p> <p>From 2013</p>	n/a
<p><b>c) “Temporary Resettlement”: Humanitarian Evacuation</b></p> <p>1992</p> <p>1999</p>	<p>Temporary protection granted to a group of ex-prisoners of Bosnian origin transferred to Belgium by UNHCR/Red Cross. The resettled refugee group was 200 families who were later followed by their children, wounded persons and family members.</p> <p>1.220 Kosovars selected by UNHCR for evacuation are transferred to Belgium under the Humanitarian Evacuation Programme (HEP).<sup>23</sup></p>
<p><b>d) Through other Projects</b></p> <p><i>Governmental Level</i></p> <p>1. 2008: “Durable Solutions in Practice”, with the Netherlands (together with the Czech Republic, Poland and Romania)</p> <p>2. 2008: with Ireland and the United Kingdom.</p> <p><i>Non-Governmental Level</i></p>	<p>Representatives from the Centraal Orgaan Asielzoekers (Central Body for Asylum Seekers –CGRS) and Fedasil joined the Dutch Minister for Integration during a resettlement mission to Thailand in 2008.</p> <p>Transnational programme concerning reception and resettlement. UK and Ireland carried out a joint selection mission to Tanzania to select DRC refugees with Belgium (CGRS), Bulgaria and Slovenia as observers.</p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p><i>From Guantanamo</i></p> <p>Oct. 2009</p> <p><i>Intra-EU “Relocation”</i></p>	<p>Al Yanko, a Syrian who was detained in Guantanamo for seven years was resettled to Belgium at the request of the United States. He received a new visa and residence permit.</p> <p>n/a</p>
<p><b>Comments</b></p>	<p>While no resettlement had taken place between 1999 and 2009, Belgium responded twice to international Calls for resettlement in the last two years. It has announced the beginning of a structural engagement.</p>

<sup>23</sup> <http://www.unhcr.org/3e2d4d5f7.pdf>

<b>III. Resettlement Implementation</b>	
<p><u>Refugees resettled</u><sup>24</sup></p> <p>2011 (Arrived in Belgium in July)</p> <p><i>Ad –hoc programme in response to the UNHCR's<sup>25</sup> and the EU initiative calling EU member states to resettle refugees of Sub-Saharan origin who fled to the Coucha refugee camp.</i></p> <p><i>Ad hoc scheme 2009 in response to the European Council Conclusions in 2008 that encouraged EU MS to resettle 10, 000 refugees from Iraq<sup>26</sup>.</i></p>	<p><b>25</b></p> <p><u>Country of Origin:</u> Eritrea and DR of Congo.</p> <p><u>Country of First Asylum:</u> Tunisia<sup>27</sup>.</p> <p><u>Composition:</u> 5 families and 2 single women from Eritrea, 1 family and 1 single woman from DR of Congo<sup>28</sup>.</p> <p><b>47</b></p> <p><u>Country of Origin:</u> 36 Iraq, 11 Palestine.</p> <p><u>Country of First Asylum:</u> 10 Jordan, 26 Syria, 11 Iraq-Syria border<sup>29</sup>.</p> <p><u>Composition:</u> 19 women, 17 children (Iraqi refugees), 2 couples, each with 2 children and 1 woman with 2 children (Palestinian refugees).</p>

<sup>24</sup> <http://www.resettlement.be/apps-local/resettlement.nsf/LFR3.0qui.htm>.

<sup>25</sup> <http://www.resettlement.be/apps-local/resettlement.nsf/L00Voorgeschiedenis.html>

<sup>26</sup> Available only in French: <http://www.resettlement.be/apps-local/resettlement.nsf/FR3.0Wie.htm>.

<sup>27</sup> All fled from Libya to the Choucha refugee camp in Tunisia, which could offer temporary protection only. The security and conditions within the camp were insufficient and refugees needed an immediate protection solution. <http://www.resettlement.be/apps-local/resettlement.nsf/LFR2.2selectionbelge.htm> and <http://www.resettlement.be/apps-local/resettlement.nsf/LFR3.0qui.htm>

<sup>28</sup> Belgium specifically requested families with children and single women.

<sup>29</sup> The refugees are coming from Al-Tanf camp in Iraq-Syria border.

<p><b>a) Selection Criteria and Process – Pre-Arrival Phase</b></p>	
<p><b>Selection criteria</b></p> <p><i>UNHCR Criteria</i></p> <p><i>National Additional Criteria</i></p>	<p>Selection of refugees is made following the criteria of the Geneva convention.</p> <p>During the two ad-hoc schemes the Geneva Convention criteria were applied with a special focus on vulnerable groups (women-at-risk and Palestinians in 2009).</p> <p>Until now the number of selected refugees for resettlement was a political choice and was dependant on a number of factors, including reception conditions. The decisions regarding the target groups to be resettled were also based on Belgium Foreign Policy as well as to the availability of EU funds.</p> <p><b>Ad-hoc scheme 2011:</b> The Geneva Convention criteria were again applied. A group of Sub-Saharan refugees had been identified as particularly vulnerable by both the UNHCR and the EU. Belgian regional experts examined the refugees' dossiers for credibility. State Secretary for Migration and Asylum Policy Melchior Wathelet and the Inner Cabinet's Council of Ministers made the final decision (11 March 2011). Refugees arrived in Belgium in July 2011.</p> <p><b>Ad-hoc scheme 2009:</b> Geneva Convention criteria with a focus on vulnerable groups (women-at-risk and Palestinians) was applied by the Commissioner General for Refugees and Stateless Persons (CGRA) to refugees referred by the UNHCR for resettlement in 2009. State Secretary for Asylum and Migration, Melchior Wathelet, made the final selection.</p>
<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>Actors involved in refugee status determination</li> <li>Dossiers</li> <li>Missions</li> </ul>	<p>UNHCR initially followed by and CGRA verifications in resettlement decision-making process</p> <p>In 2011, UNHCR prepared refugees dossiers, which were sent to CGRA for examination and consideration.</p> <p>In 2009, selection missions to Syria and Jordan were conducted by CGRA and Fedasil to interview preselected refugees.</p>
<p><b>Pre-Departure Activities</b></p> <p><i>Cultural orientation (CO)</i></p> <p><i>Assistance with travel documents</i></p> <p><i>Medical screening</i></p>	<p>In 2011: CO was not provided. Information pamphlets covering important information about Belgium were printed but not given to refugees.</p> <p>IOM prepares refugees travel and insures that the Belgian embassy has provided necessary documentation, travel is planned and refugees are escorted by IOM.</p> <p>Carried out by IOM.</p>



<b>Procedure Timing</b> <b>2011</b>	<ul style="list-style-type: none"> <li>– 24/03/2011: Decision to resettle</li> <li>– 17/05/2011: Received Resettlement Registration Forms</li> <li>– 26/05/2011: Request to cancel mission</li> <li>– 22/06/2011: Result of selection UNHCR</li> <li>– 18/07/2011: Arrival of refugees</li> <li>– 20/07/2011: Decision on status</li> <li>– 01/08/2011: Delivery first refugee certificate<sup>30</sup></li> </ul>
<b>Comments</b>	Dossiers would need to be shared in advance with NGOs in order to plan for specific needs. Municipalities and social welfare aid offices CPAS - Centre publique d'action social (social welfare agency) - should be informed of the arrival of refugees and the ad-hoc resettlement scheme. Raising awareness of resettlement among the general public would also be helpful.
<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b> Refugee status in Belgium is granted on the basis of the 1951 Refugee Convention <sup>31</sup> , Article 48(3) of the <a href="#">Aliens Act 1980</a>	There is no legal framework in Belgium for resettlement and therefore the decision to grant refugee status should be made only upon arrival in Belgium. It also implies that even though accepted for resettlement each refugee was required to go apply to Immigration Department (OE/DVZ) <sup>32</sup> for asylum upon arrival. After applying for asylum, refugee status has been granted to all within one month of application.
<b>Rights granted</b> <i>Opvangwet van 12 Januari 2007 (Reception Law of 12 January 2007<sup>33</sup>)</i> <i>Residence</i> <i>Airport arrival</i>  <i>Info upon arrival</i> <i>Preparing local community</i>  <i>Developing integration program (housing, health care, education)</i>	Right of permanent residence based on refugee status Govt entities: Fedasil and CGRA meet refugees at the airport. In 2011, NGOs were also present (Caritas and Convivial). They are then accompanied to the reception centres in Ponderôme (Wallonia) and in Sint Truiden (Flanders) for period of 3 weeks minimum depending on the situation. Information is given in reception centre No This seems to have been done bit by bit as the programmes are ad-hoc. However the NGOs involved are experienced in the field of integration. Housing is organized by partnering organizations (Caritas and Convivial for refugees resettled from Libya) and is overseen by Fedasil. Together they make arrangements with the local authorities, locate available and suitable

<sup>30</sup> CGRS and Fedasil, Hervestiging van Vluchtelingen, Meeting van 6 Oktober 2011, Verslag ("Resettlement of Refugees, Meeting of 6 October 2011, Report) [http://hervestiging.be/apps-local/resettlement.nsf/teksten/attachments/rechterkolom%20L/Verslag\\_Stakeholders\\_meeting\\_okt2011.pdf](http://hervestiging.be/apps-local/resettlement.nsf/teksten/attachments/rechterkolom%20L/Verslag_Stakeholders_meeting_okt2011.pdf), at page 3

<sup>31</sup> [http://www.cgvs.be/fr/Cadre\\_legal/](http://www.cgvs.be/fr/Cadre_legal/)

<sup>32</sup> [http://diplomatie.belgium.be/en/policy/policy\\_areas/striving\\_for\\_global\\_solidarity/asylum\\_and\\_migration/asylum/](http://diplomatie.belgium.be/en/policy/policy_areas/striving_for_global_solidarity/asylum_and_migration/asylum/)

<sup>33</sup> [http://www.ejustice.just.fgov.be/cgi/article\\_body.pl?language=fr&pub\\_date=2007-05-07&numac=2007002066&caller=list](http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&pub_date=2007-05-07&numac=2007002066&caller=list)

<i>Cultural orientation</i>	<p>housing, schooling and contacts with the CPAS, access to public assistance and health care, managing household budgets, etc.</p> <p>A social orientation class is offered in the reception centre. The contents include information on schooling, expenses, food, housing, transportation, environment, etc. Refugees already established in Belgium are invited for knowledge sharing, in addition to representatives from external organizations/institutions. Convivial also offers a cultural/civic course.</p>
<i>Counselling</i>	<p>Psychological counseling is also made available if needed.</p>
<i>Language/skills training</i>	<p>French or Dutch classes are offered upon arrival in the reception centre. Once refugees are in private housing, NGOs help locate language centres.</p>
<i>Employment assistance</i>	<p>NGOs assist refugees in finding employment, signing up at employment agency, reviewing qualifications or assisting with diploma equivalency requests</p>
<i>Family reunification</i>	<p>In Belgium, people with a refugee protection status (for 5 years), can apply for family reunification, even when they still receive a social income from the Public Social Welfare Centre, so for the resettled refugees it is possible to apply for family reunion. This however is likely to take a considerable amount of time, so refugees should be advised of this.</p>
<i>Advice on accessing services</i>	<p>Given by reference counsellor in reception centre and then by NGO social workers.</p>
<i>Mentoring</i>	<p>A social worker is assigned to each refugee in the reception centre, this person will assist with adaption and administrative processes throughout the refugee's 3-week stay. Once the refugee is transferred to individual housing, a Fedasil social worker will follow-up on the refugee's integration for a period of +/-18 months in collaboration with civil society organizations involved (2011orgs: Caritas and Convivial ).</p>
<i>Training of local service providers</i>	<p>No formal or specific training for resettlement is offered</p>
<b>Comments</b>	<p>As a whole, it appears that the stakeholders in Belgium (with the exception of municipalities) work well together. It also seems that the conventions signed between CGRA, Fedasil and NGOs make roles clear as there were no ambiguities reported. Regular stakeholder meetings are held roughly 3 times a year where government and civil society come together to discuss, evaluate and plan for resettlement. During an ad-hoc programme Fedasil and NGOs meet once a month to evaluate and discuss practical field issues.</p> <p>Nevertheless several practical issues need to be addressed to improve the resettlement experience in Belgium. It is also needed to ensure linking pre-departure and integration phases.</p> <p>Recommendations:</p> <p>It is suggested that the CGRA, Fedasil and NGOs must work together to manage expectations for the newly resettled refugees. In terms of family reunification especially, refugees' expectations will be managed by keeping them fully informed of how the system works and any delay is explained fully to them. Resettled refugees must be informed of all procedures at as early a stage as possible. Beyond procedural expectations, living standards and lifestyle expectations in general must be managed.</p> <p>While the cooperation between CGRA, Fedasil and NGOs must be applauded and encouraged, all parties must strive to keep improving how they work together. An example is the time spent in reception centres by resettled refugees. If dossiers are sent in a timely manner, pre-arrival then housing post arrival can be more organised. The same could be said of the organisation of paperwork that is needed in order to access social welfare and other vital services.</p>

b) Costs and Funding	
<b>Funding</b> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>ERF</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Funding for refugees in general comes from the Official Development Assistance (ODA)</li> <li>▪ The ad-hoc decisions to resettle in both 2009 and 2011 were conditional upon securing European funding. The administrations twice managed to secure this funding, not through the classic pledging provided through the ERF, but through the so-called “Community Actions” of the Refugee Fund.</li> <li>▪ Resettlement of refugees from Libya in 2011 (nearly 90% of costs covered by Europe). The decision to carry out the resettlement initiative was linked to securing European funding for “urgent resettlement”.<sup>34</sup> The decision of the inner cabinet was again conditional upon securing European funding. The European Commission has included “urgent resettlement” in its annual priorities for the ERF programme community actions for 2011, through which up to 90% of the operation could once again be financed by Europe.<sup>35</sup></li> <li>▪ 2009: selection mission and journey integrally funded by Temporary Desk on Iraq. Concretely, the selection mission and the transfer of the resettled refugees took place within the framework of the ERF community actions project “Temporary Desk on Iraq”, which meant that up to 90% of the costs of the selection and transfer of refugees could be recuperated through the European Commission. Furthermore, 50% of the reception and integration of the resettled refugees was co-financed by the national section of the ERF.</li> </ul>
<b>Costs</b>	2009: Total costs for project support and reception of resettled refugees (Vluchtelingenwerk Vlaanderen): 308.405,32 euros of which 154.193,43 from ERF <sup>36</sup> .
<b>Comments</b>	<p>Belgium has the political will to enhance its resettlement capacity and Belgian NGOs and governmental actors are all eager to continue resettlement activities. The recent Belgium’s decision to resettle a hundred refugees in 2013 is hopefully the beginning of a structural engagement of Belgium towards resettlement.</p> <p>Nevertheless an annual programme might not be still feasible until Belgium finds solutions to the asylum situation and especially in regards to reception centre capacity. Furthermore, no national budget is foreseen for resettlement, which means that Belgium will rely completely on what is available on EU funds. In addition to that, there is always the political element playing a key role in this regard. As there will be election in 2014 it is quite sensitive for the current government to engage the next government in a structural resettlement plan.</p> <p>So a special attention should be given to media by some intense media campaigns accompanied also by awareness- raising campaigns in order to change the general public opinion. Public opinion needs to be a focal point in preparing an annual programme. However it needs to be clarified to them that the programmes are different in terms of funding in order to do not replace Belgium’s responsibility towards other refugee’s protection needs.</p>

<sup>34</sup> [http://www.dekamer.be/doc/flwb/pdf/53/1944/53k1944020.pdf#search="hervestiging"](http://www.dekamer.be/doc/flwb/pdf/53/1944/53k1944020.pdf#search=)

<sup>35</sup> Information provided by CGRS and FEDASIL in interview obtained on 04-05-2012

<sup>36</sup> Fedasil, Jaarverslag 2009 (Annual Report 2009), <http://www.fedasil.be/home/attachment/i/19890>, at pg.29

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Bulgaria***

Report written by

**Iva Kodjabacheva (EUI)**

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**and reviewed by the Know Reset team**

March, 2013

### Country Profile: Bulgaria

Strategically situated in the Balkan Peninsula, Bulgaria shares an important 240-kilometre border with Turkey, and controls key land routes connecting Europe with Asia and the Middle East. While traditionally considered a refugee transit country by migrants on the route to Western Europe<sup>1</sup>, Bulgaria's initiatives in the area of refugee reception and integration, have shown that Bulgaria is increasingly becoming a destination for refugees. Bulgaria is signatory to the 1951 United Nations Refugee Convention, and the 1967 Protocol Relating to the Status of Refugees since 1993. The national law governing refugees and asylum seekers in Bulgaria is the Law on Asylum and Refugees<sup>2</sup>, whose purpose is to harmonize the Bulgarian asylum legislation with international and European instruments, standards and practices.<sup>3</sup> With the creation of the Law on Asylum and Refugees in 2002, the State Agency for Refugees with the Council of Ministers became UNHCR's main government counterpart in Bulgaria, and is the single refugee authority responsible for examining applications for asylum made on the territory of Bulgaria.

Governed by the centre-right political party Citizens for the European Development of Bulgaria, Bulgaria has been historically considered a racially tolerant society. The worsening economic situation across Central and Eastern Europe has affected Bulgaria and the country's recent initiatives in the area of resettlement. In addition, Bulgaria's ambitions to join the Schengen zone have translated in the growing militarization of Bulgaria's border with Turkey, and on-going efforts aimed at reducing irregular migration. The prioritization of mounting political and economic issues have come at the expense of pressing asylum and refugee questions, such as this of resettlement. In addition, the strict border control of the external EU border has resulted in the marginalization of asylum seekers and refugees, increasingly seen as a threat to Bulgaria's Schengen bid.

The number of refugees and asylum seekers in Bulgaria significantly increased following the wars in Former Yugoslavia, Afghanistan and Iraq (1999 – 2004), and Bulgaria's accession to the European Union in 2007 has been marked by a slight yet steady increase of applications. The country has never been faced with mass influx of refugees and therefore temporary protection has never been granted. After an amendment in the national asylum law, the individuals who were granted protection acquired the right to family reunification as the recognized refugees, which was not accessible to them prior this amendment.

By joining the EU, Bulgaria began to consider resettlement opportunities as a part of the harmonization processes. First official step in this respect was the establishment of an Intergovernmental Task Force on resettlement with an Order № P-57/03.03.2010, under the leadership of the State Agency for Refugees with the Council of Ministers. Finally, the resettlement was included in the Objectives of the national asylum administration<sup>4</sup> (2011), featuring as a plan the adoption of a strategy and policy on resettlement until the end of the year. Also, the recent National Strategy on Migration, Asylum and Integration (2011 - 2020) merely stated that a national resettlement strategy must be developed over the next few years within the UNHCR resettlement programme and in adherence to international resettlement standards.

Several consultations and colloquia were held since then, however until recently nothing was furthered on, either in legislation, or in policy or practice except a preliminary assessment report on resettlement prepared by the interagency working group at the end of the year 2010.

During the course of the year 2012, Bulgaria is doing everything possible to enhance its efforts in the area of asylum including resettlement. Considered as a big step in the field of international protections and national security, Bulgaria opened recently the first Transit Centre for Refugees in the village of Pastrogor, Svillengrad Municipality.

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<sup>1</sup> State Agency for Refugees with the Council of Ministers, Multi-Annual Programme. European Refugee Fund Department 2008. <http://www.aref.government.bg/ebf/?cat=49> [accessed 16 November 2011], p. 6.

<sup>2</sup> Law on Asylum and Refugees Prom. State Gazette No. 54/31 May 2002, amend. State Gazette No. 39/20 May 2011.

<sup>3</sup> UN High Commissioner for Refugees, UNHCR's Comments on the 2002 Law on Asylum and Refugees of Bulgaria, 19 November 2002, <http://www.unhcr.org/refworld/docid/3f8fee4c4.html> [accessed 4 November 2011].

<sup>4</sup> For more information: [http://www.aref.government.bg/docs/celi\\_dab\\_2011.doc](http://www.aref.government.bg/docs/celi_dab_2011.doc)

On 13 June 2012 the government voted a formal decision to adopt and implement a Pilot Resettlement Program for refugees who were recognised by UNHCR in third countries. The responsible institution is the State Agency for Refugees. According to the Law on Asylum and Refugees the UNHCR mandate status holders automatically shall receive recognition in Bulgaria as well as a refugee status. In addition, the Working Group (WG) on Resettlement is convoked on 18 October 2012 to work out a final Pilot Project on Resettlement where the exact parameters of the process and the profile of refugees to be resettled will be specified. The final draft Pilot project should be ready by the end of October 2012.

Furthermore, the first resettlement activities will begin in 2013 and will include the development of the administrative capacity. They will be fully funded by the annual program 2012 of the ERF. Finally the Bulgarian government announced in June 2012 that it will resettle a group of 20 refugees in 2014. Nevertheless, it fears that public opinion will be negative about resettlement and integration given the current financial crisis. According to all interviewed actors promotion of resettlement and practice should be done - in due course - within the society in order to receive as strong as possible support from the Bulgarian society.

Asylum Profile	
<a href="#"><u>Number of protection status granted</u></a> <sup>5</sup>	<p><b>192</b> (2011)</p> <ul style="list-style-type: none"> <li>• 182 Humanitarian Protection</li> <li>• 10 Refugee Status Granted</li> </ul> <p><b>138</b> (2010)</p> <ul style="list-style-type: none"> <li>• 118 Humanitarian Protection</li> <li>• 20 Refugee Status Granted</li> </ul>
<b>Number of asylum seekers</b> <sup>6</sup>	<p><b>890</b> (2011)</p> <p><b>1,025</b> (2010)</p>
<b>Resettlement Scheme</b>	<p>Bulgaria is a non-resettlement country but it will participate in the joint EU Resettlement Programme by developing and implementing a small-scale (20 refugees) pilot resettlement programme in 2014.<sup>7</sup></p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><a href="#"><u>Law on Asylum and Refugees</u></a>, 2002 last amended in 2011.</p> <p><a href="#"><u>Law for the Foreigners in the Republic of Bulgaria</u></a>, 1998 last amended in 2011.</p>	<p><i>No specific provision on resettlement</i> in the national law and no such provision is envisaged until the assessment of the Pilot Resettlement programme in 2014.</p> <ul style="list-style-type: none"> <li>- guides all procedures and mechanisms for granting asylum, refugee and humanitarian status. Article 10</li> <li>- It also stipulates UNHCR's role in monitoring the application of the Geneva Convention and 1967 Protocol in Bulgaria.</li> </ul> <p>Article 53 (8)</p> <ul style="list-style-type: none"> <li>- regulates the entry, stay and exit of foreigners in Bulgaria.</li> </ul>

<sup>5</sup> Source: State Agency for Refugees.

<sup>6</sup> Ibid.

<sup>7</sup> Declaration of the State Agency for Refugees with the Council of Ministers, 24 March 2011." Bulgaria – equal partner in the building of the Common European Programme on Resettlement of Refugees, confirmed the 23 and 24 March, 2011 in Sofia." <http://www.aref.government.bg/?cat=13&newsid=399> [accessed 14 November 2011]. Available only in Bulgarian.



<p><b>Other basis of resettlement:</b></p> <p>Law on Bulgarian Citizenship; Law on Protection against Discrimination; Health Insurance Act; Employment Promotion Act; Family Benefits for Children Act; and Law on Social Assistance Act.</p> <p><a href="#">Agreement between the United Nations High Commissioner for Refugees and the Government of the Republic of Bulgaria</a>, 1993</p> <p>Order N° P-57/03.03.2010 of the Prime Minister.</p> <p><a href="#">Council of Minister Protocol No. 18340/13.06.2012</a> regarding draft decision on the adoption of the report of the intergovernmental working group appointed by the above order, regarding the position of Bulgaria in the EU Resettlement.</p>	<p>These national laws contain provisions regarding the rights of refugees in Bulgaria. Those provisions would apply to any resettled refugee.</p> <p>Covers mainly the co-operation between the Government and UNHCR in the field of international protection of and humanitarian assistance to refugees and other persons of concern to UNHCR. Article 2(1) 1</p> <p>The Agreement does not contain any reference to resettlement.</p> <p>Establishment of an Intergovernmental Task Force on Resettlement (RWG) with the objective to create a draft pilot resettlement programme.</p> <p>A formal decision to adopt and implement a Pilot Resettlement Program for refugees who were recognised under the UNHCR mandate in third countries. The responsible institution is the State Agency for Refugees. According to the Law on Asylum and Refugees the UNHCR mandate status holders automatically shall receive recognition in Bulgaria as well as a refugee status.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>First resettlement activities will begin in 2013 and will include the development of the administrative capacity. The pilot Resettlement Programme will be implemented in 2014</p>
<p><b><i>II. Resettlement Policy and Related Involvements</i></b></p>	
<p>a) <b>On an ad hoc basis</b></p> <p>End of 1950s and 1960s</p>	<p>Refugees from Greece during the military regime<sup>8</sup>.</p>
<p>b) <b>On a programme basis</b></p> <p>From 2014</p>	<p>Pilot Resettlement Programme of 2014 foresees small-scale resettlement of 20 refugees.</p>
<p>c) <b>“Temporary Resettlement”:</b></p> <p><b>Humanitarian Evacuation</b></p>	<p>n/a</p>

<sup>8</sup> Interview with Mrs. Anna Andreeva, State Agency for Refugees with the Council of Ministers, January 2012.

<b>d) Through other Projects</b>	
Governmental Level	n/a
Non-Governmental Level	n/a
<b>e) “Resettlement-like” experience</b>	
<i>From Guantanamo</i> 2010	In 2010, the Interior Minister Tsvetan Tsvetanov confirmed that Bulgaria would receive one Guantanamo inmate under the Joint Statement of the European Union and its Member States and the United States of America on the Closure of the Guantanamo Bay Detention Facility and Future Counterterrorism Cooperation. <sup>9</sup> The inmate was a Syrian national and it was confirmed that he would be granted refugee status.
<i>Intra-EU “Relocation”</i> 2011	In May 2011, the Interior Minister Tsvetan Tsvetanov announced the preparedness of Bulgaria to accept 2-4 North African refugees from Italy, as a sign of solidarity with Italy, which was experiencing an influx of illegal migrants, following uprisings in the Arab world. <sup>10</sup> There are no confirmed reports whether any North African refugees from Italy were resettled in Bulgaria.
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b>	n/a
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b> <ul style="list-style-type: none"><li>• UNHCR Criteria</li><li>• National Additional Criteria</li></ul>	Bulgaria will comply with UNHCR criteria and recommendations for resettlement as well as <a href="#">Decision 573/2007/EC</a> of the European Parliament and of the Council of 23 May 2007.  Bulgaria is interested in resettling Afghani and Iraqi refugees from Turkey, given the already existing Afghani and Iraqi communities in Bulgaria. <sup>11</sup>
<b>Selection Process</b>	n/a
<b>Pre-Departure Activities</b>	n/a
<b>Procedure Timing</b>	n/a
<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b> Article 10 of <a href="#">Law on Asylum and Refugees</a> . <sup>12</sup>	The pilot resettlement programme foresees that the resettled refugee will be granted refugee status and will be entitled to and benefit from the rights and obligations outlined in the Law on Asylum and Refugees, and will have the potential to become naturalized citizen of Bulgaria.

<sup>9</sup> Sofia News Agency, “Guantanamo Prisoner lands on Bulgarian Soil”, [http://www.novinite.com/view\\_news.php?id=115919](http://www.novinite.com/view_news.php?id=115919) [accessed February 27, 2012].

<sup>10</sup> The Bulgarian Helsinki Committee, Iliana Savova, “Do We Have a Quota on Humaneness”, <http://www.bghelsinki.org/en/publications/obektiv/iliana-savova/2011-08/do-we-have-quota-humaneness> [accessed February 25, 2012].

<sup>11</sup> Interview with Mrs. Anna Andreeva, op.cit.

<sup>12</sup> “Refugee status shall also be granted to any alien who is on the territory of the Republic of Bulgaria and has been recognised as a refugee under the mandate of the United Nations High Commissioner for Refugees.”



<p><b>Rights and services granted</b></p> <p>Chapter II of the <a href="#">Law on Asylum and Refugees</a></p> <p>Social rights and obligations, Section III.</p>	<p>Rights granted for resettlement would be the same as outlined in the Law on Asylum and Refugees.</p> <p>Outlines the rights and obligations of foreigners seeking or having received protection in Bulgaria.</p> <p>Rights and Obligations of the foreigners having received protection would be equal to those of Bulgarian citizens with exceptions outlined in Article 32(1).</p> <p>Article 32 (2) stipulates the right to <i>financial support for accommodation</i> in a flat for a period of 6 months.</p> <p>Article 34 (1) right to <i>family reunification</i>.</p> <p>The State Agency for Refugees is the responsible institution for providing Bulgarian <i>language courses</i>, which however are not accessible to refugees arriving at different times of the regular school year. In addition, integration services such as language courses are only available in the capital Sofia, a serious impediment to refugees wishing to live outside the capital.<sup>13</sup></p> <p>According to the preliminary report on resettlement the following services are foreseen to be provided under priority 3 of ERF - "Resettlement for purposes of education and capacity building of the asylum national administration, local authorities and non-governmental organizations which would be leading with the resettled refugees":-<i>rent and utilities; language and professional education; scholarship (equal to minimum monthly salary); child's tuition; initial accommodation assistance; health insurance; medical examination; transport; interpretation services; social assistance; adaptation course fees; seasonal clothing; etc..</i></p> <p>The services provided will be also in accordance with the National Program For Integration of Refugees<sup>14</sup>. Nevertheless, this programme does not quote any integration services for resettlement as such. It only states that for the period of 2011-2020 a National Resettlement Program for Refugees should be developed within UNHCR Resettlement Programme and in adherence to international resettlement standards.<sup>15</sup></p>
<p><b>Comments</b></p>	<p>Before an annual programme could be implemented, Bulgaria needs to address its asylum situation. Improvements are needed in the area of refugee reception and integration. Bulgaria has been criticized for the lack of adequate reception and accommodation facilities. Both UNHCR and NGOs criticized reception conditions which due to its practical arrangements excludes some of the most vulnerable categories such as extended families, single parents, elderly and disabled persons.</p> <p>The adoption of the National Programme for the Integration of Refugees already foresees improvements in these areas. Despite these improvements a better implementation of the programme should be pursued further.</p>

<sup>13</sup> United Nations High Commission for Refugees Policy Development and Evaluation Service, Larry Bottinick and Areti Sianni, "No place to stay: A review of the implementation of UNHCR's urban refugee policy in Bulgaria." May 2011, <http://www.unhcr.org/4dc3b9909.pdf> [accessed 17 March 2012], p. 5.

<sup>14</sup> <http://www.mvr.bg/NR/rdonlyres/EBCD864F-8E57-4ED9-9DE6-B31A0F0CE692/0/NationalStrategyinthefieldofMigrationAsylumandIntgrationENG.pdf>

<sup>15</sup> *ibid.* p.38

c) Costs and Funding	
<p><b>Funding</b><sup>16</sup></p> <p>– <i>National Level</i></p> <p>– <i>ERF</i></p> <p><i>Overall Resettlement Budget</i><sup>17</sup></p> <p>2012</p> <p>2011</p> <p>2010</p>	<p>The State Agency for Refugees with the Council of Ministers foresees the financing of resettlement initiatives by the European Refugee Fund under <a href="#">Decision 573/2007/EC</a>. Starting from 2010 the budget for Resettlement capacity building and introducing the possibility of resettlement in Bulgaria is financed by both ERF and Bulgarian Government.</p> <p>25% of the financing for the establishment of administrative organs responsible for resettlement will be secured by the state budget.</p> <p>ERF contributes 75% of the financing for the establishment of administrative organs responsible for resettlement.</p> <p>Total: <b>27,628 €</b></p> <p>– <b>20,721</b> (EU contribution) – <b>6,907</b> (National Budget)</p> <p>Total: <b>24,000 €</b></p> <p>– <b>18,000</b> (EU contribution) – <b>6,000</b> (National Budget)</p> <p>Total: <b>24,060 €</b></p> <p>– <b>18,045</b> (EU contribution) – <b>6,015</b> (National Budget)</p>
<p><b>Costs</b></p>	<p>First resettlement activities will begin in 2013 and will include the development of the administrative capacity. They will be fully funded by the annual programme 2012 of the ERF and by the state budget. No concrete figures are yet available for the funds that would be secured by the state budget.</p>
<p><b>Comments</b></p>	<p>Bulgaria has decided to take part in the EU resettlement programme with a pilot quota of 20 refugees per calendar year, affirming with this the importance of establishing a mechanism for responsibility sharing with EU Member States and third countries unable to provide adequate protection for and integration of refugees. Thus there is a political will for resettlement behind this pledge.</p> <p>Bulgaria is interested in sharing expertise with first-time resettlement countries in Europe, an example of which is its decision to postpone the pilot resettlement programme given the unsuccessful resettlement of Bhutanese and Burmese refugees in first time resettlement countries in Central Europe. The failure to successfully resettle the refugees was arguably due to the culture and language barriers, and inability to effectively integrate the newly resettled refugees in these countries.<sup>18</sup> Competent officials from the State Agency for Refugees with the Council of Ministers are seeking to accumulate knowledge and acquire the necessary expertise for resettlement in the Bulgaria. Also, the financial stimulus provided by the European Refugee Fund by contributing 6000 euro for every resettled refugee is considered an important aspect of Bulgaria's ambition for small-scale resettlement in 2014.</p>

<sup>16</sup> European Refugee Fund – Annual Programme 2011 Republic of Bulgaria, State Agency for Refugees with the Council of Ministers, <http://www.aref.government.bg/ebf/index.php?cat=49> [accessed February 27, 2012].

<sup>17</sup> European Refugee Fund – Annual Programme 2012, Annual Programme 2011, Annual Programme 2010. Republic of Bulgaria, State Agency for Refugees with the Council of Ministers, <http://www.aref.government.bg/ebf/index.php?cat=49> [accessed February 27, 2012].

<sup>18</sup> Interview with Mrs. Anna Andreeva, op.cit.

## KNOW RESET Country Profile: Bulgaria

	<p>The established Iraqi, Afghani, Kurdish and Arab communities in Bulgaria make the country a favourable environment to resettle refugees coming from these ethnic groups.</p> <p>Overall, Bulgaria has demonstrated moderate political will to resettle, which has been impeded by the lack of financial resources to commit to this initiative, as well as the country's fear of unpreparedness. In order to become a successful resettlement the Bulgarian Government should take into account the recommendations of different stakeholders- involved in this field- vis a vis the implementation of the resettlement programme itself.</p>
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# **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

## ***KNOW RESET – Country Profile***

### ***Cyprus***

Report written by

**Konstantinos Eleftheriadis (EUI)**

**and reviewed by the Know Reset team**

July, 2013

### Country Profile: CYPRUS

Cyprus is located upon a strategic geopolitical point linking Europe with Turkey and the Middle East. The southern part of the island of Cyprus (or Greek-Cypriot part) has been a Member State of the EU since 2004. Cyprus does not belong to the Schengen area, because of the territorial dispute with the northern (Turkish part) of the island.

The Cypriot asylum system has only been established relatively recently. The Cypriot authorities have responsibility for handling asylum cases since January 1, 2002, when the Refugee Act (2000) replaced the UNHCR with the Cypriot Asylum Service for the processing of asylum applications.

Since February 6<sup>th</sup> 2004, the responsibility for asylum was transferred to the newly founded Cypriot Asylum Service. The Asylum Service manages the European Refugee Fund which finances projects for the refugee integration and the improvement of their living conditions in Cyprus. A Dublin Regulation unit is included inside the structure of the Asylum Office, the main competence of which is to check whether an asylum application must be examined by Cyprus or another member-state. The Refugee Act of 2000 is completed by Regulations on asylum seekers introduced five years later (598/2005).

The rate of foreigners in Cyprus is 127.3/1000, or 15.9% of the population (127,692 foreign nationals-EU citizens included), making Cyprus one of the EU countries with a very high rate of foreign nationals<sup>1</sup>. EU citizens compose 10.4% of the population, while the amount of non-EU citizens is estimated at round 5.5%. Cyprus is one of the few EU member-states where there are more EU citizens residing than third nationals.

With regard to asylum applications, there has been a continuous decrease in the number of submissions: 3,922 in 2008; 3,199 in 2009; 2,882 in 2010; 1,766 in 2011<sup>2</sup>. Cyprus accepts 'large flows of asylum seekers' every year, due to its geographical location<sup>3</sup>. The authorities are trying to deal with the increasing amount of asylum applications. Besides that, the on-going financial crisis reduces the potential for resettlement initiatives in the future.

Cyprus is a country of first asylum for an increasing number of third nationals. Not only does Cyprus not have plans for resettlement but it also engages actively, with Malta, in negotiations with the EU with regard to relocation<sup>4</sup>.

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<sup>1</sup> 6.5% of the EU population are foreigners and 9.4% are born abroad, EUROSTAT, 34/2011, p. 1

<sup>2</sup> Idem and Statistics of the Asylum service of Cyprus (2011)

<sup>3</sup> Interview with the Cypriot Asylum Authority, Natasa Andreou, for Head of the Asylum Service, Ministry of the Interior, January 2012.

<sup>4</sup> Idem. The legal provision can be found in the Article 20-K of the Law on Refugees, 'Solidarity with other member states'.

Asylum Profile	
<p><u><a href="#">Number of protection status granted<sup>5</sup></a></u></p>	<p>69 (2011)</p> <ul style="list-style-type: none"> <li>• 53 Refugee Status Granted</li> <li>• 15 Humanitarian Status</li> <li>• 1 Subsidiary Protection</li> </ul> <p>426 (2010)</p> <ul style="list-style-type: none"> <li>• 31 Refugee Status Granted</li> <li>• 395 Other Protection</li> </ul>
<p>Number of asylum seekers<sup>6</sup></p>	<p>1,766 (2011)</p> <p>2,882 (2010)</p>
<p>Resettlement Scheme</p>	<p>/</p>
<p>Resettlement Quota</p>	<p>/</p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><u><a href="#">Law on Refugees</a></u>, No 6(1)/2000, 28 January 2000 (With several modifications, last one in 2009)</p> <p>Regulations on the reception of Asylum seekers (No 598/2005), 30 December 2005</p> <p>Law on aliens and immigration, 19 June 1952 (with modifications, last amended in 2001)</p>	<p>The Cypriot law does not explicitly make reference to ‘resettlement’ as such. Hence, we should look for legal dispositions open to interpretation for the possibility to resettle. Article 11 of the Law on Refugees (2000) states that ‘The application is submitted at all entry points of the Republic upon arrival of the applicant or within the Republic at any Police Station, and in case of the applicant’s detention or imprisonment, at the detention centers or the prisons where he is held<sup>7</sup>. Therefore, the recognition of refugee status outside of the country’s territory does not seem to be possible.</p> <p>However, Article 18(3) identifies the conditions of assessment of the refugee status by the administration. This assessment is being conducted on an individual basis and according to certain criteria. The presence of the applicant in the Cypriot territory is not considered as an indispensable condition of attribution of the refugee status.</p> <p>Finally, the interview with the Asylum service did not focus on the legislative obstacles when it comes to resettlement but rather on the political unwillingness to develop this practice. They do not exclude the possibility of future resettlement initiatives although at the moment this is unlikely<sup>8</sup>.</p>
<p>Other basis of resettlement</p>	<p>/</p>

<sup>5</sup> Statistics Service of the Republic of Cyprus (2011).

<sup>6</sup> Source: Asylum Service, Ministry of Interior.  
[http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics\\_en/DMLstatistics\\_en?OpenDocument](http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics_en/DMLstatistics_en?OpenDocument)

<sup>7</sup> Source: Asylum Service, Ministry of Interior.  
[http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics\\_en/DMLstatistics\\_en?OpenDocument](http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics_en/DMLstatistics_en?OpenDocument)

<sup>8</sup> Interview with the Cypriot Asylum Authority, Natasa Andreou, op.cit.

On-going or foreseeable project/reform	None
<b>II. Resettlement Policy and Related Involvements</b>	
a) On an ad hoc basis	/
b) On a programme basis	/
c) “Temporary Resettlement”: Humanitarian Evacuation	<p>2011</p> <p>2006</p> <p>From Libya and Egypt: No data. The minister of foreign affairs declared in December 2011 that Cyprus reacted ‘effectively to the recent events in Libya and Egypt’.<sup>9</sup></p> <p>Lebanon:</p> <p>Cyprus became a de facto humanitarian evacuation station after the crisis in Lebanon in the summer of 2006, with the support of the EU<sup>10</sup>.</p> <p>40,000 evacuees were evacuated from Lebanon. Four days after the evacuation there were 5,197 EU citizens and 2,630 non-EU citizens in Cyprus. EU citizens were rapidly repatriated to their home countries.</p> <p>In a Communication of the Ministry of Defense, it is reported that the Ministry and the General Staff of National Guard assisted and supported facility for military ships and aircraft involved in the evacuation of civilians from Lebanon to the Cypriot evacuation station<sup>11</sup>.</p> <p>The Minister of foreign affairs announced in December 2011:</p> <p>[...]We must not ignore that in cases of instability plaguing North Africa and the Middle East, from the 1970's until today, Cyprus continues to be a humane shelter, tending a helping hand and cooperation, by addressing the immediate consequences of the crisis erupts or as a result of civil wars and military conflicts, or more recently the overthrow of authoritarian regimes. It is worth remembering the case where more than 60,000 Community and other foreign nationals were evacuated through Cyprus successfully, or found temporary asylum in our country, the events of 2006 and 2008 respectively took place in Lebanon, as we did also in the period 1975-1989, while also effectively responded to the most recent events in Egypt and Libya. Cyprus has established today that the mechanism can be managed successfully and efficiently as a result of such a nature panic evacuation, but also provides prospects for peaceful development with neighboring countries through the implementation of the proposed agreements’<sup>12</sup></p>

<sup>9</sup> Conference: ‘Cyprus between Europe and middle East’, University of Cyprus, Erato KOZAKOU-MARKOULI, Minister of Foreign Affairs, 16/12/2011, <http://www.mfa.gov.cy/mfa/mfa2006.nsf/0/208BDAA7C48204D6C225796B002ED33E?OpenDocument&print>

<sup>10</sup> European Union, Joint press release, 25 July 2006

<sup>11</sup> ‘The Defense Department supports the humanitarian evacuation of civilians from Lebanon’, Announcement of the Ministry of defense, <http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/All/F6115405EC2ED089C22571AF005A26B7?OpenDocument>

<sup>12</sup> Conference: ‘Cyprus between Europe and middle East’, University of Cyprus, Erato KOZAKOU-MARKOULI, Minister of Foreign Affairs, 16/12/2011, <http://www.mfa.gov.cy/mfa/mfa2006.nsf/0/208BDAA7C48204D6C225796B002ED33E?OpenDocument&print>

<b>d) Through other Projects</b> Governmental Level Non-Governmental Level	/
<b>e) “Resettlement-like” experience</b> From Guantanamo Intra-EU “Relocation”	/ <p>Cyprus is one of the EU Member States which views relocation as a solution to the challenges from massive immigration fluxes as well as a tool for the expression of solidarity and responsibility by other European members<sup>13</sup>.</p>
<b>Comments</b>	<p>The Asylum Service of Cyprus declared:</p> <p>‘It is expected that in 2012, the Commission will propose a voluntary, permanent relocation scheme for beneficiaries of international protection. ‘Based on the experience from the two phases of the pilot project with Malta and taking into account EASO’s future engagement in relocation activities, the crucial questions could be whether the EU should develop a voluntary and permanent scheme for relocation of beneficiaries of international protection, following similar criteria and financial support as in the resettlement programmes. In particular, Member States could voluntary relocate in their territories beneficiaries of international protection from Member States which face particular pressures, based on s pecific indicators (e.g. population, surface, GDP)’<sup>14</sup>.</p>
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b>	None
<b>Comments</b>	<p>Cyprus is not viewing resettlement as an immediate option, especially because of the large amount of asylum applications it receives. As well as this, the current financial crisis that it is experiencing is a huge obstacle to any resettlement. However, a joint plan organized by the EU with financial support, may lead to further consideration of the possibility of resettlement.</p>

<sup>13</sup> Joint communiqué, Cyprus, Malta, Greece, Italy, Spain, 19 April 2011, [http://www.doi.gov.mt/EN/press\\_releases/2011/04/DOI%20-%20pr0785A.asp](http://www.doi.gov.mt/EN/press_releases/2011/04/DOI%20-%20pr0785A.asp)

<sup>14</sup> Interview with the Asylum Service, op.cit.,





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# KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES

Co-financed by the European Union

## *KNOW RESET – Country Profile*

### *Czech Republic*

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### Country Profile: Czech Republic

The Czech Republic has the specific status within the European Union of a state without external borders - with the exception of its international airports. Due to this characteristic, the country has a significant advantage compared to others lying on the EU's external border as regards migration flows. In addition it has an advantage also with regards to the Dublin regulation. These factors contribute to the fact that the number of persons granted any form of international protection in the Czech Republic is very low.

In terms of migration trends in the Czech Republic, asylum applications reached their peak in 2001 when 18,094 persons applied for international protection. Since its accession to the European Union in 2004, the country has experienced a decrease in the number of asylum applications and, as mentioned above, these remain very low in relative terms.

Given the existing asylum infrastructure and available human and financial resources, there is potential for the Czech Republic to contribute further to the tackling of global refugee problems and to assisting refugees within the context of responsibility sharing initiatives alongside other developed countries. Since 1999 the legislative framework on asylum has gone through different amendments and changes in order to comply with EU legislation on asylum and immigration. As a result of one of those amendments, the former two year mandatory period for re-submitting an application was no longer applicable due to the transposition of the Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status. This fact led to an even higher number of repeated applications - for example in 2009- than in the previous year.

In 2008 the Government of the Czech Republic adopted a resolution No. 745 which approved the official Concept of a National Resettlement Program. The Concept established the basis for the implementation of resettlement activities. It defined the resettlement procedures at all stages and stipulated the role of all stakeholders in the process.<sup>1</sup> In addition, the legal framework for resettlement is based on the Geneva Convention and its 1967 Protocol, the Asylum Act and Act on the Residence of Foreign Nationals in the territory of the Czech Republic.

The adoption of the resettlement strategy was preceded by several humanitarian assistance programmes which were implemented by the Ministry of Interior. In 2005, the Czech Republic implemented -in close cooperation with UNHCR – a humanitarian operation by offering immediate protection to a group of Uzbek refugees who were forced to escape due to the forceful suppression of the social unrest in south-eastern Uzbekistan.<sup>2</sup> In 2007, another humanitarian operation was implemented in close collaboration with IOM and US administration and granted asylum to 3 Cuban families who were persecuted due to their political convictions. In addition to that, in 2010 the Czech Republic granted asylum to a Cuban political prisoner and his family. The Czech Republic perceived the resettlement of Cuban refugees not only as aid specifically targeted at persons whose basic human and civil rights were severely violated, but also as an expression of solidarity with the citizens of a country with an authoritarian regime and a very low level of human rights.

Between the years 2008 – 2010, on the basis of the National Resettlement Strategy, 81 Burmese refugees from Malaysia and Thailand were resettled; in 2008 9 families and in 2010 8 families. The Burmese refugees were resettled due to their desperate situation in the countries of first asylum (Thailand and Malaysia), which are not signatories of the Geneva Convention. Therefore the chances of refugees to reach at least a basic level of protection are limited with no further chance to integrate into local societies due to their illegal status.

The resettlement quota is established each year according to the current situation. The number of refugees resettled each year counts in tens of persons - a requirement stipulated in The National Resettlement Strategy. The main organ to decide on the size of the future resettled group, the region of origin and an approximate timeframe for implementation is the Ministry of Interior.

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<sup>1</sup> <http://www.mvcr.cz>

<sup>2</sup> <http://www.mvcr.cz/mvcren/article/asylum-migration-integration-asylum.aspx?q=Y2hudW09NQ%3D%3D>

The system based on annual quotas was chosen due to its flexibility as it could be changed each year according to the current situation. And at the moment, there are no plans to change the current practice.<sup>3</sup>

Whereas in 2011 no resettlement activities were implemented, in the same year the Ministry of Interior committed to resettle- under Czech ERF annual programme 2012- 40 persons for 2012.

In terms of the success of the past resettlement experiences, the opinions of the stakeholders interviewed differ. While some of them acknowledged the past resettlement experiences as a success, a number believed that the timing was too short between the two resettlement actions. It was felt that the first group was not fully integrated and after the second group arrived, little attention was given to the integration needs of the first group.

Each resettlement activity is thoroughly evaluated in order to identify its positive as well as problematic aspects. Though the Czech Government is doing its best to tackle problems encountered during the resettlement activity, some problems - mainly during long term integration of resettled refugees -occur repeatedly. Those problems are often similar to those encountered by spontaneously arriving refugees. They are mainly rooted in exaggerated expectations and difficulties in adapting to a new environment.

When it comes to the public opinion, it is necessary to separate the general one with the local one. The local community is open towards resettlement and resettled families. No xenophobic behaviour seems to be noticed, although there is a difference in reactions towards refugees from well-educated communities and less-educated ones. The less-educated communities seem to be more sceptical. Nevertheless, the relations seem to improve once the persons get to know each other. The regional media has been quite involved in promoting stories of the resettled families. Furthermore the cooperation with the regional and local media was considered as excellent.

As opposed to the local community, the general public does not seem to know about the resettlement and is not even interested in it. The media marginalise the foreigners by picturing them negatively. Though the resettlement activities carried out in Czech Republic were mostly covered by the media; the government does not possess yet any detailed strategy how to use media in the resettlement process.

The Czech Republic could resettle more but before doing so it would be necessary to increase the capacity to assist the resettled refugees during the integration process from a longer term perspective. In addition, the Czech Government should address many aspects of effective resettlement processes starting with a proper and strategic planning of activities, deep coordination of all stakeholders involved and a stronger involvement of NGOs, churches and local authorities. Moreover, the current development at the EU level offers some instruments including financial incentives which would help to use resettlement in a more strategic way.

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<sup>3</sup> Interview with Ms Kateřina Šimová from Ministry of Interior of the Czech Republic conducted on 15 February 2012.

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>4</sup></p> <p><b>Number of asylum seekers</b><sup>5</sup></p> <p><b>Resettlement Scheme</b></p> <p><b>Resettlement Quota</b></p>	<p><b>369</b> (2011)</p> <ul style="list-style-type: none"> <li>• 108 Refugee Status Granted</li> <li>• 261 Subsidiary Protection</li> </ul> <p><b>229</b> (2010)</p> <ul style="list-style-type: none"> <li>• 125 Refugee Status Granted</li> <li>• 104 Subsidiary Protection</li> </ul> <p><b>756</b> (2011)</p> <p><b>833</b> (2010)</p> <p>Annual resettlement programme since 2008.</p> <p>2012: 40 refugees annually<sup>6</sup></p> <p>2008-2010: 30 refugees annually<sup>7</sup></p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><u><a href="#">Act No. 325/1999</a></u> on Asylum and Amendments to Act No. 283/1991 on the Police of the Czech Republic of 11 November 1999, as amended (Asylum Act) – last amendment 375/2010 entered into force 1.4.2012.</p> <p>Act No. 326/1999<sup>8</sup> on the Residence of Foreign Nationals in the Territory of the Czech Republic of 30 November 1999, as amended (Foreign National Residence Act) – last amendment 375/2010 entered into force 1.4.2012</p>	<p><i>Specific provision on resettlement:</i> Section 90.</p> <p>Regulates refugee's status eligibility and status criteria-asylum seekers and resettled refugees:</p> <ul style="list-style-type: none"> <li>• Article 12 defines the criteria for granting refugee status.</li> <li>• An alien who applies for international protection will be granted asylum or subsidiary protection if s/he meets the criteria laid down in section 12, 13, 14, 14a or 14b.</li> <li>• Refugees accepted for resettlement following submission of UNHCR are all granted asylum under the criteria defined in the Section 12.</li> <li>• Section 90 facilitates the granting of asylum to foreign nationals without previous proceedings to an alien recognized as a refugee the mandate of UNHCR.</li> <li>• In other cases resettled persons will be granted asylum under the same criteria as asylum seekers as defined in Section 12, 13 or 14.</li> </ul> <p>Establishes the conditions for entry of foreign nationals to and their departure from the Czech Republic, lays down conditions for the residence of foreign nationals in the Czech Republic and defines the scope of competences of the Police of the Czech Republic.</p>

<sup>4</sup> Ministry of the Interior of the Czech Republic available at the website <http://www.mvcr.cz/mvcren/article/statistical-reports-on-international-protection-seekers-and-refugees-86918.aspx?q=Y2hudW09Mw%3d%3d>

<sup>5</sup> Ibid.

<sup>6</sup> Source: UNHCR

<sup>7</sup> Commission Communication to the EP and the Council on the establishment of a joint EU resettlement programme, COM(2009) 447 final available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0447:FIN:EN:PDF>

<sup>8</sup> <http://www.mvcr.cz/.../act-on-the-residence-of-foreign-nationals-pdf.aspx>

<p><i>Other basis of resettlement:</i></p> <p>Communication of the Ministry of Foreign Affairs of the Czech Republic No. 20/2003 of 8 February 2000</p> <p><b>Resolution N° 745</b> of 26 June 2008</p> <p><b><u>Agreement between the Government of the Czech Republic and the UNHCR</u></b> on the co-operation in the refugee resettlement – signed on 5 March 2009 and entered into force on 10 April 2009</p> <p><b>Resolution N° 1147</b> of 7 September 2009</p> <p><b>Resolution N° 213</b> of 15 march 2010</p>	<p>On the conclusion of an Agreement between the Government of the Czech Republic and the UNHCR on the legal status of the UNHCR and its personnel in the Czech Republic.</p> <p>Accepts the Concept of National Resettlement Programme.</p> <p>Agrees on details of the resettlement co-operation.</p> <p>Approves the continuation of the resettlement programme of the Burmese refugees from Malaysia under the above concept.</p> <p>Approves the implementation of the national resettlement programme of resettlement of the Burmese refugees from Malaysia and Thailand.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>No on-going projects or reform are foreseen for the time being.</p>

## II. Resettlement Policy and Related Involvements

<p>a) <b><u>On an ad hoc basis</u></b></p>	<p>The establishment of a resettlement strategy was preceded by humanitarian assistance programmes, which were implemented by the Ministry of the Interior of the Czech Republic in 2005 and 2007 through the resettlement of Uzbek and Cuban refugee groups.</p>
<p>2005</p>	<p><b>15</b></p> <p><u>Country of Origin</u> : 15 Uzbekistan</p> <p><u>Country of First Asylum</u> : 15 Romania<sup>9</sup></p> <p>In 2007 two Uzbek resettled refugees were reunited with their families<sup>10</sup>.</p>
<p>2007</p>	<p><b>10</b> (3 families)<sup>11</sup></p> <p><u>Country of Origin</u> : 10 Cuba</p>
<p>2010</p>	<p><b>5</b> (A political prisoner with his family)<sup>12</sup></p> <p><u>Country of Origin</u> : 5 Cuba</p>

<sup>9</sup> Romania joined the EU only in 2007.

<sup>10</sup> <http://www.mvcr.cz/mvcren/article/asylum-migration-integration-asylum.aspx?q=Y2hudW09NQ%3D%3D>

<sup>11</sup> ibid.

<sup>12</sup> ibid.

<p><b>b) On a programme basis</b> 2009</p> <p>2008 – 2010 - National resettlement programme (approved by <a href="#">Resolution N° 745</a> of 26 June 2008)</p> <p>2008 – Pilot project on resettlement</p>	<p>Annual quota is based on the current situation and on a needs analysis<sup>13</sup>. Each resettlement action, in the context of an annual plan, is implemented after the adoption of decision of the Minister of Interior (Moi).</p> <p>The main objective of the programme is the humanitarian consideration, efforts to provide assistance to needy and vulnerable groups of refugees who have no other prospects of refuge other than resettlement.</p> <p>The objective is to resettle a group of several families (20-30 people) of Burmese refugees from Malaysia.</p>
<p><b>c) “Temporary Resettlement”: Through the Humanitarian Evacuation</b></p> <p>1993-2010 - <a href="#">Humanitarian evacuation of disabled people MEDEVAC</a> (medical evacuation)<sup>14</sup></p>	<p>126 patients from localities affected by war or natural disasters</p> <p>Country of origin:</p> <ul style="list-style-type: none"> <li>• Bosnia and Herzegovina - predominately children 17;</li> <li>• Kosovo-40</li> <li>• Chechnya – 1</li> <li>• Iraq –disabled refugees 42</li> <li>• Pakistan – 10</li> <li>• Afghanistan -14</li> <li>• Cambodia – 2</li> </ul>
<p><b>d) Through other Projects</b></p> <p><i>Governmental Level</i></p> <p>- 2007 - ARGO twinning Project ‘Durable Solutions in Practice’- between the Czech Republic and the Netherlands<sup>15</sup></p> <p><i>-Non-Governmental Level</i></p> <p>ERF projects</p> <p>2011</p> <p>2010</p> <p>2009</p> <p>2007</p>	<p>Aims to broaden cooperation related to the implementation of Community law and exchanges of experience with resettlement between partner organisations of MS.</p> <p>Aims to enable countries which do not have their own resettlement programmes to acquire sufficient theoretical and practical experience on the basis of which these countries will be able to reconsider their options in this area or to establish their own resettlement programmes.</p> <p>Organization for Aid to Refugees (OPU)– Beginning in a New Country.</p> <p>Association of Citizens Assisting Emigrants (SOZE) – Together in New Home</p> <p>OPU – New Beginning.</p> <p>Refugee facility administration (RAF) – Establishing and operating IAC for resettled persons and their following integration.</p> <p>SOZE– Resettlement – New Beginning I, II. (2009)</p> <p>RAF – Methodological and personal preparation for accepting resettled persons.</p> <p>ICMC -"European Resettlement Network for Practical Cooperation in Resettlement"<sup>16</sup> (implemented in close collaboration with UNHCR and ECRE) to foster practical cooperation in resettlement, and to promote the establishment of the new network, in partnership with seven European NGO's engaged in the resettlement and/ or integration of refugees.</p>

<sup>13</sup> The UNHCR Resettlement Handbook – Country Chapter on the Czech Republic, July 2011 available at: <http://www.unhcr.org/refworld/country,,,CZE,,4ecb9c0027,0.html>

<sup>14</sup> 2010 Status Report on Migration in the Czech Republic, Ministry of Interior of the Czech Republic, 2011

<sup>15</sup> More details in 2007 Status Report on Migration in the Czech Republic, Ministry of Interior of the Czech Republic, 2008, p. 172-173

<sup>16</sup> More information available at: <http://www.icmc.net/icmc-launches-new-network-support-refugee-resettlement-europe>

<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>The Czech Republic refused to accept detainees from Guantanamo Bay repeatedly in 2005 and 2009 as it was not equipped for that.</p> <p>The Czech Republic is not involved in any project of Intra EU relocation and does not consider participating in a future as it does not favour the idea of the distribution of migrants within the EU. It is of an opinion that the implementation of a pilot resettlement project concerning Malta brought a number of problematic aspects, such as high administrative and logistical burden as well as potential risk of becoming a "pull factor" of illegal migration.<sup>17</sup></p>
<h3>III. Resettlement Implementation</h3>	
<p><u>Refugees resettled</u><sup>18</sup></p> <p>2011</p> <p>2010</p> <p>2009</p> <p>2008</p>	<p>n/a</p> <p><b>39</b></p> <p><u>Country of Origin</u>: 39 Burma</p> <p><u>Country of First Asylum</u>: 16 Malaysia, 23 Thailand</p> <p><u>Religion</u>: 39 Christian</p> <p><u>Ethnicity</u>: 39 Chin<sup>19</sup></p> <p><b>16</b></p> <p><u>Country of Origin</u>: 16 Burma</p> <p><u>Country of First Asylum</u>: 16 Malaysia</p> <p><u>Religion</u>: 16 Christian</p> <p><u>Ethnicity</u>: 16 Chin</p> <p><b>23</b></p> <p><u>Country of Origin</u>: 23 Burma</p> <p><u>Country of First Asylum</u>: 23 Malaysia</p> <p><u>Religion</u>: 23 Christian</p> <p><u>Ethnicity</u>: 23 Chin</p>

<sup>17</sup> The Czech Republic’s position on migration prepared by working group for a Parliament, to be announced to the EU Institutions, 5. 6. 2011 (document available only in Czech).

<sup>18</sup> Source: Ministry of the Interior of the Czech Republic.

<sup>19</sup> The Chin people are one of the large ethnic minority groups in Burma.



<p><b>a) Selection Criteria and Process – Pre-Arrival Phase</b></p>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria 1951 Geneva Convention and 1967 Protocol</li> <li>• Additional National Criteria National resettlement Programme</li> <li>• Asylum Act</li> </ul>	<p>Only persons complying with the criteria contained in the 1951 Geneva Convention and 1967 Protocol and the criteria laid down in Czech law (especially the Asylum Act) will be considered for resettlement in the Czech Republic under the national resettlement programme. Eligibility criteria relate to persons with a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. In case of a family (that is married couple with minors, in special cases also other family relative) it is enough if only one of the persons could comply with the above criteria.</p> <p>Eligibility criteria for resettlement of a particular person or family could also be based on other specific humanitarian factors according to the Czech Asylum Act, such as: seriously ill persons, children, women at risk and other cases, in which “humanitarian asylum status” is granted.<sup>20</sup></p> <p>In addition to the above criteria, some integration aspects are also taken into consideration such as: the willingness of the refugee in question to be resettled to the Czech Republic and the willingness to integrate into the Czech Republic.</p> <p>Nevertheless exclusion factors are applied for persons subject to article 1F of the Geneva Refugee Convention and section 15 of the Asylum Act. Additionally, resettlement of an individual to the Czech Republic must not present a threat to public health or public order and must not harm the Czech Republic’s national and international interest.</p>
<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>One or more members of the Resettlement group.</p> <p>The Resettlement Group interviews the people in need of resettlement in the country of first asylum and nominates them. Then, it is Minister of Interior who decides on the refugee status of the resettled persons.</p> <p>The selection of persons to be resettled is based on combined methods: facts known from the UNHCR Resettlement Registration Form and a private interview with each person. During the selection mission, the relevant asylum-related information referred to in the UNHCR file are being verified, supplemented and amplified. Found information are processed as a resettlement and integration folder, which offers crucial guidance in the selection process and becomes part of the ‘asylum file’ of each recognized refugee – resettled person.</p> <p>In the case of a dossier based decision, there are no possibilities to make an appeal or other recourse against the decision not to accept a refugee for resettlement into the Czech Republic.</p> <p>The above - mentioned “selection missions” (a trip of several days) are conducted by the Resettlement Group in the country where refugees are placed and mostly in the country of first asylum.</p> <p>In certain cases, resettlement may be organized in cooperation with another organization or another state or possibly without third-party participation, i.e. it may be arranged purely within the scope of Czech administration. The rules set for the resettlement process are then applied mutatis mutandis.</p>

<sup>20</sup> The UNHCR Resettlement Handbook – Country Chapter on the Czech Republic, July 2011.



<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>This is done by the Resettlement Group when interviewing the people in need of resettlement in the country of first asylum – the personal contact is an opportunity to provide individuals with initial information about what they can expect from resettlement in the Czech Republic and to what extent they will receive assistance on arrival.</p> <p>Persons who are to be resettled in the Czech Republic are issued with a 90-day residence visa. This visa is issued in a travel document at the individual's disposal, which is recognized by the Czech Republic, possibly using also the visa attachment form. If individuals do not hold a travel document from their country of origin, or if circumstances prevent them from using this document, then the admission related issues is solved in the cooperation between the Ministry of Interior, Directorate of the Aliens and Border Police Services and the Ministry of Foreign Affairs.</p> <p>The medical screening in the country of first asylum is done by UNHCR. There is another medical screening after arrival in the Czech Republic and transfer in the Integration Asylum Centre.</p>
<p><b>Procedure Timing</b></p>	<p>The required processing time from file reception to departure of refugees may vary from several weeks up to several months (emergency cases within few days).<sup>21</sup> Transport from the current asylum country to the Czech Republic is organized usually within few weeks.</p>
<p><b>Comments</b></p>	<p>According to the Resettlement Concept, the Resettlement Group (RG) plays a significant role in pre-departure activities. However because this Committee is only composed of representatives from ministries and does not include other stakeholders who also have expertise in resettlement, the quality of the decision-making process could be impacted upon. Emphasis is given to the selection of the members of the RG as the first ones conducting interviews with the people in need of resettlement.</p> <p>There is room for improvement in the pre-departure activities as well in the country of first asylum, in particular the selection of people in need of resettlement and the quality of information for the host country provided to those people. Consequently, there is only a little knowledge about the pre-departure activities among the stakeholders interviewed. Furthermore, "integration system tools" for vulnerable groups is missing.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p>Legal source  <a href="#">Asylum Act No. 325/1999</a> of 11 November 1999 as amended by 375/2010.</p>	<p>Resettled refugees who were already granted refugee status by the UNHCR are provided with international protection in the form of asylum in accordance with the Section 12 and Section 90 of the Asylum Act (facilitates the granting of asylum to foreign nationals without previous procedure if they have been granted refugee status by a decision of the UNHCR – asylum procedure in the Czech Republic only formality)</p> <p>In other cases (without the UNHCR refugee status), resettled persons will be granted international protection in the form of asylum in accordance with Section 12, Section 13 or Section 14 in keeping with the results of the asylum procedure they passed through on arrival in the Czech Republic (undergoing the regular asylum procedure in the Czech Republic – decision on international protection taken by the Ministry of Interior)</p> <p>Until the asylum is granted they are legally considered as asylum seekers.</p>

<sup>21</sup> See details in the UNHCR Country Chapter on the Czech Republic

## KNOW RESET Country Profile: Czech Republic

<p><i>Act No. 40/1993 on the Acquisition and Loss of Citizenship of the Czech Republic as amended by 124/2008 (entered into force 1.7.2008)</i></p>	<p>Resettled persons who comply with the relevant provisions of this Act may be granted citizenship on request (5 years of permanent residence, certain level of Czech...), if citizenship is granted, their refugee status is automatically ceased.</p>
<p><b>Rights granted</b></p> <p><u>Legal source:</u></p> <p><a href="#">Asylum Act No. 325/1999</a> of 11 November 1999 as amended by 375/2010 Coll.</p> <p>Concept of National Resettlement Programme</p> <p>State Integration Programme<sup>22</sup></p> <p><i>Residence</i></p> <p><i>Airport arrival</i></p> <p><i>Info upon arrival/granting of legal status</i></p> <p><i>Preparing Local community</i></p> <p><i>Developing integration programme (housing, employment assistance, education for children, finance assistance and social integration)</i></p>	<p>They have the same rights and obligations as citizens of the Czech Republic; except the right to vote, to serve in the Army of the Czech Republic and to hold some public offices.</p> <p>List of rights:</p> <p>Access to the fundamental human, civil, political, economic, social and cultural rights, including the prospect of the acquiring citizenship.</p> <p>The right to reside permanently in the Czech Republic (the validity period (10) years of the decision granting them international protection in the form of asylum), for this purpose they will be issued a recognized refugees Residence Permit (as identification).</p> <p>Once entering the Czech Republic the resettled refugees are assisted by the responsible staff to go through customs and passport control. Right after their arrival the resettled refugees are taken to one of the Integration Asylum Centres (IAC), where they will reside the following six months.</p> <p>The staffs in charge are from the IOM, the service responsible for coordinating resettlement OAMP<sup>23</sup> and from RFA<sup>24</sup> responsible for integration.</p> <p>No later than two days after their arrival, all resettled refugees need to formally apply for international protection. Members of staff from the OAMP carry out the necessary formal procedures in order to be granted asylum status to the resettled persons. This procedure includes the registration of an application for international protection, prepared in advance by reference to observations made from the UNHCR file and supplementary interview, and its entry in the electronic registration system. The necessary procedures of the aliens policing service will also be arranged accordingly. Resettled persons will subsequently receive a decision granting them international protection in the form of asylum.</p> <p>Seminars for public organised by NGOs in years 2008 and 2009, funded from the European Refugee Fund (ERF).</p> <p>A six months multilateral assistance is provided in the Integration Asylum Centre (IAC) in order to enable the resettled refugees to adapt to their new setting.</p> <p>For the first six months the resettled persons are accommodated in IAC; the family ties of resettled persons and their nationality and religion is respected.</p>

<sup>22</sup> See <http://www.mvcr.cz/mvcren/article/integration-of-recognized-refugees-913320.aspx>

<sup>23</sup> Department of the Policy on Asylum and Migration (OAMP).

<sup>24</sup> Refugee Facility Administration (RFA).

<i>Cultural Orientation</i>	Courses on integration and socio-cultural issues like for example: health care, education, finance, employment, cultural and social habits and so on, are organized in IAC by focusing on issues related to day to day life in the Czech Republic. During this period cooperation between the IAC and NGOs is set up to support the integration process of the resettled refugees.
<i>Housing</i>	<p>From the perspective of long-term successful integration, a major step is the provision of integration flats in the context of access to the labour market. Resettled refugees fall under the National State Integration Programme which has been developed to support the integration process for refugees.</p> <p>Municipalities, on voluntary bases, offer rental contracts to refugees and are also eligible for donations from the Czech government for infrastructure development and financial support to furnish these apartments. Refugees sign standard municipal lease agreements, usually for one year with an automatic extension up to 5 years.</p>
<i>Counselling</i>	It is possible to provide social, legal and psychological counselling in IAC, where necessary. A project with target group resettled people focusing on complex care, incl. social-legal counselling, was provided to the resettled people in 2010 and 2011 by NGOs.
<i>Health</i>	Refugees have mandatory health insurance similar in coverage and conditions as those provided to Czech citizens.
<i>Language/Skills</i>	<p>During the staying period in IAC, resettled refugees attend intensive courses of Czech language (400hrs) and social cultural adaptation course.</p> <p>After moving in integration flats the Czech lessons are organised by NGOs, funded from ERF.</p>
<i>Education</i>	Shortly after arrival in the Czech Republic all children (under 18) start attending primary or secondary schools. The integration of these children has so far proved to be very effective and efficient.
<i>Employment assistance</i>	Based on the National Resettlement Program Concept the resettled refugees are assisted to enter the labour market and the education system of the Czech Republic. They will also be provided with assistance to find employment and as well as employment-related training on the individuals needs and their capacity to speak the Czech language.
<i>Family Reunification</i>	In the year 2009, 3 children were resettled to be reunified with the Burmese resettled families.
<i>Advice of Accessing Services</i>	This is done according to the National Resettlement Programme in the IAC and within the ERF project from an NGO.
<i>Volunteer support</i>	No project is implemented by involving voluntary work of the other refugees' communities in Czech Republic.
<i>Governments contribution to municipalities</i>	As mentioned above the Government gives financial contribution to municipalities for the integration flats. This contribution must be used on development of infrastructure within the municipality only.
<i>Financial assistance</i>	Resettled refugees have the same rights and obligations as citizens also when it comes to social welfare and financial assistance, including the case of unemployment. However in cooperation with municipalities, resettled refugees are eligible for special social assistance aiming to help better and faster integration on local level for a period of one year.

<p><b>Comments</b></p>	<p>The integration of the second resettled group of Burmese refugees has been considered a better experience than the first resettlement. This is largely due to a change of integration practice after moving the refugees into special integration accommodation.</p> <p>The role of the Resettlement Facility Administration has become somewhat unclear after the resettled persons leave the Integration Asylum Centre (IAC).</p> <p>In general the cooperation between municipalities and NGOs is viewed as being successful. It is suggested that training on cultural background of the specific ethnic group resettled should be provided to officials and to actors involved in the resettlement.</p> <p>When it comes to the integration programme it is considered that there is a lack of capacity in time and lecturers for Czech lessons. Furthermore, the location of integration accommodation is viewed as an important factor which impacts upon the integration process of the refugees being resettled. They are usually located in small towns in which the job opportunities are very low.</p> <p>Most of municipalities managed to provide temporary jobs for at least one of the families.</p> <p>Some sustainable model of financing and ensuring essential services and support for the resettled group should be created. This model should ensure the resettled persons have access to supporting assistance, after moving into the integration accommodation, for a period longer than one year. The existing model, whereby the assistance is funded from the European Refugee Fund is viewed as being unsatisfactory and inflexible.</p> <p>A better cooperation should be amongst the central government, local authorities and NGOs involved in resettlement.</p>
<p><b>c) Costs and Funding</b></p>	
<p><b>Funding</b></p> <p>-National Level<sup>25</sup></p>  <p>-European Refugee Fund</p>  <p>ERF 2008</p> <ul style="list-style-type: none"> <li>- EU contribution:</li> <li>- National budget:</li> </ul>	<p>The cost of operating the Centre and other integration-related expenditure are covered after a negotiating/bargaining process with the service responsible for coordinating resettlement and with the organization managing the Centre.</p> <p>The Refugee Facility Administration (RFA) provides assistance out of his own resources or via non-governmental organizations for a maximum period of one year after resettled persons leave the Centre. In cases meriting special consideration, this assistance may be provided for a longer period.</p> <p>ERF III supports resettlement programmes and actions related to the integration of persons whose stay is of a lasting and stable nature.</p> <p>Total : 166,666,66 €</p> <ul style="list-style-type: none"> <li>- 135,000€</li> <li>- 45,000 €</li> </ul>

<sup>25</sup> Source: Ministry of the Interior of the Czech Republic.

<p>ERF 2009</p> <ul style="list-style-type: none"> <li>– EU contribution:</li> <li>– National budget:</li> <li>– In addition:</li> </ul> <p>ERF 2010</p> <ul style="list-style-type: none"> <li>– EU contribution :</li> <li>– National budget :</li> <li>– In addition:</li> </ul> <p>ERF 2011</p> <ul style="list-style-type: none"> <li>– EU contribution :</li> <li>– National budget :</li> <li>– In addition:</li> </ul>	<p>Total : 166, 666,66 €</p> <ul style="list-style-type: none"> <li>– 125,000€</li> <li>– 41, 666,66 €</li> <li>– 64, 000 € (EU contribution)<sup>26</sup></li> </ul> <p>Total : 132, 000 €</p> <ul style="list-style-type: none"> <li>– 99, 000 €</li> <li>– 33, 000€</li> <li>– 88, 000 € (EU contribution)<sup>27</sup></li> </ul> <p>Total: 53, 333,33 €</p> <ul style="list-style-type: none"> <li>– 40, 000 €</li> <li>– 13, 333,33 €</li> <li>– 44, 000 € (EU contribution)<sup>28</sup></li> </ul>
<b>Costs</b>	n/a
<b>Comments</b>	<p>The Czech Republic has an existing and well developed asylum infrastructure. It has substantial experience with asylum seekers, refugees and is gaining experience in resettlement. The financial assistance given through the ERF has been extremely important.</p> <p>The main reasons that lead the Czech Republic to commit to resettlement were based on its previous long lasting resettlement experience (Czech compatriots from USSR or Kazakhstan) and on its well established infrastructure of refugee facilities (also number of NGOs providing refugees with broad assistance in integration process) and professional staff working with refugees. Moreover, due to a gradually declining number of asylum seekers, the Czech Republic was able to identify enough human and financial resources in its asylum infrastructure for further involvement in global refugee problems and burden sharing together with other EU countries. The resettlement activities are planned according to capacities in terms of both reception and integration.<sup>29</sup></p> <p>The main incentive as for today remains, still, the financial assistance provided by European funds which can be used to co-finance various activities related to resettlement and integration of resettled refugees. The approved joint EU resettlement program is an incentive to countries like the Czech Republic which are newly committed to resettlement. However, in the future the Czech Republic would also welcome organisational and logistical support, mainly with respect to selection and cultural-orientation missions (preferably through the EASO). The EU's financial help is viewed as sufficient but the opinion is now commonly held that the EU should play a bigger role in countries of first asylum.</p>

<sup>26</sup> This amount relates to a fixed amount of € 4000 for resettled persons in accordance with Article 13 (3) of the Decision of the European Parliament and Council No. 573/2007/EC. The 2009 ERF annual programme foresaw resettlement of approximately 16 people (3 unaccompanied minors, 10 children and women at risk of psychological, physical or sexual violence or exploitation and 3 persons with serious medical condition. These persons are eligible for special financial assistance amounting to 4 000, - EUR (64 000).

<sup>27</sup> The 2010 ERF annual programme foresaw resettlement of approximately 22 persons who are entitled to special financial support amounting to 4 000, - EUR (88 000) in accordance with Article 13 (3) of the Decision 573/2007/EC.

<sup>28</sup> The Czech Republic foresaw to resettle 11 people (unaccompanied minors, children and women at risk of psychological, physical or sexual violence or exploitation) who are entitled to special financial assistance of a fixed amount of € 4000 for resettled person in accordance with Article 13 (3) of the Decision 573/2007/EC.

<sup>29</sup> Interview with Ms Kateřina Šimová from Ministry of Interior of the Czech Republic conducted on 15 February 2012.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Denmark***

Report written by

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April, 2013



## Country Profile: Denmark

Denmark has had limited experience of immigration and so it remains one of the few countries in Western Europe with a relatively small migrant population.

The 1980s was the first time that the Danish state experienced a relatively large influx of migrants. Denmark had a booming economy at the time but its birth rate started to decline. As a result, immigrants have formed an increasing proportion of the Danish population. In 1980 immigrants constituted 1% of the total population. That figure has now increased to 6%.

This growth has sparked a very polarized debate concerning migration issues and the effects that they have on a country that until quite recently remained homogenous and distinctly mono-cultural.

Throughout the 1990s, Denmark was governed by the Social-Democrats, while the Conservatives ruled the country between 2001 and 2011, supported by the Danish People's Party (Dansk Folkeparti) who have long advocated for tougher measures for migrants. The Danish People's Party has contributed to keeping immigration on the political agenda since its foundation in 1995. Immigration has in fact become of widespread concern in Danish society. This political climate has led to a series of laws which have impacted upon immigration control.

Stricter rules are now implemented for Non-EU immigrants that access the country. They are required to learn Danish and become familiar with Denmark's history and culture, while access to the social welfare system remains tightly controlled. Denmark has also targeted people who intend on using marriage as a means of gaining access to Denmark.<sup>1</sup>

Over the past few years there has been a fall in numbers of asylum seekers. In 2011 about 3.800 persons applied for asylum in Denmark. The Immigration Service ruled in 3.400 asylum applications cases in 2011, and approximately 33 % were granted asylum.<sup>2</sup>

In the fall of 2011, the social democrats regained power, and the country is now run by a left-wing coalition. The current Government took the office with a [pledge to ease up on the strict regulations](#). New immigration laws are already implemented for family reunification cases and for cases involving permanent residence. Furthermore, other significant changes in law are scheduled to come into effect.

Immigration laws and the Danish state are moving toward a more liberal immigration regime but the Danish immigration policy will still be stringent. Even with the ratification of the new laws in 2011, Denmark will continue to have some of the most harsh immigration laws in Europe.

Despite Denmark being reputed to be particularly strict as to its immigration law and policy, in terms of refugees, Denmark has for many years contributed to finding durable solutions through resettlement.

Since 1979, the Danish Immigration Service (DIS) in cooperation with UNHCR and the Danish Refugee Council (DRC) has implemented the resettlement programme. The involvement of the Danish Refugee Council is partly based on historic circumstances in Denmark and partly because of the close links between UNHCR and the DRC leading to the DRC being the implementing partner of UNHCR in Denmark. Until June 2005, the Danish Refugee Council was a member of the Resettlement Quota Committee, which decided on the overall distribution of the quota places. After a change of the law in 2005, the Committee was abolished and the responsibility for allocating the quota was made political and given to the Minister of Refugee, Immigration and Integration Affairs (now the Minister of Justice) based on recommendations from the Danish Immigration Service (DIS).

For many years the funding has covered an annual allocation of 500 resettlement places for refugees. As of July 2005, Denmark started operating a flexible quota programme lasting three years and consisting of 1500 places. The first three-year flexible quota period ended in December 2007 with only 17 unfilled quota places that were converted to funds managed by the Danish Ministry of Foreign Affairs. The present period started 1 January and will run until 31 December 2013.

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<sup>1</sup> The law now stipulates that for marriages involving a Dane and non-EU or non-Nordic citizen, both parties have to be aged over 24 and the Dane must be independent of government aid.

<sup>2</sup> Data from [https://www.nyidanmark.dk/en-us/coming\\_to\\_dk/asylum/asylum.htm](https://www.nyidanmark.dk/en-us/coming_to_dk/asylum/asylum.htm)

The Danish People's Party has had an impact on resettlement. In 2005, that party introduced new integration criteria. In its efforts to loosen some of the stifling immigration laws the Government has announced that the integration criteria will soon be abolished. The stakeholders view this abolition as crucial and that this abolition should be implemented as soon as possible.

Up until this point in time, the implementation of resettlement in Denmark has been considered as being successful through all phases. Danish stakeholders view it as a model from which other EU countries could benefit. In Denmark, existing refugee communities play an important role in resettlement by being involved in the resettlement programme. This participation is mainly in terms of the reception of the new comers. The Burmese are very good at creating their own associations and networks, as are the Bhutanese. The Congolese are not involved to the same extent.

Although the public is generally not aware of the difference between resettled refugees and other refugees, this is not seen as a problem. When explained there is a generally a positive attitude, because it is easier to understand why refugees living in camps in some countries need to come to Denmark for better protection. The national media do not write very much about resettlement as such but sometimes local media may write about the activities of the local volunteer groups.

Danish stakeholders generally agree that the EU should play a role in promoting resettlement in the member states. However, since the Danish programme has run independently for many years, the NGO's do not focus on the EU but on national plans.



Asylum Profile	
<p><u><a href="#">Number of refugee protection status granted</a></u><sup>3</sup></p> <p><b>Number of asylum seekers</b><sup>4</sup></p> <p><b>Resettlement Scheme</b></p> <p><b>Resettlement Quota</b><sup>5</sup></p>	<p>2,250 (2011)</p> <p>2,124 (2010)</p> <p>797 (Refugee Status)</p> <p>1,327 (Other Protection i.e. Subsidiary protection, Humanitarian protection)</p> <p>3,811 (2011)</p> <p>5,115 (2010)</p> <p>Programme-Based (1978)</p> <p>1500 refugees/3 years<sup>6</sup></p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p>Udlændingeloven (<a href="#">Danish Aliens Act</a>) (24/08/2011).</p>	<p>Specific provision on Resettlement, as amended in 2005.</p> <p>Section 8 provides the legal basis for the Danish resettlement programme. It is a precondition that resettlement to Denmark takes place based on an arrangement with UNHCR or a similar international organisation. To qualify for resettlement to Denmark, the person must meet either the criteria of section 8 (1), (2) or (3).</p>
<p><b>Other basis of resettlement:</b></p>	<p>n/a</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>The new government elected in 2011 is critical to the selection criteria and might remove them in favour of humanitarian criteria (see, the government's statement of purpose in 2011<sup>7</sup>). Further, Enhedslisten (support party of the ruling coalition) is pushing to double the quota but whether this will happen remains unclear.</p>
II. Resettlement Policy and Related Involvements	
<p><b>a) On an ad hoc basis</b></p> <p>In the years prior to 1967</p> <p>In 1974, Denmark accepted refugees from the group of some 50 000 persons with Asian origin who were expelled from Uganda after Idi Amin's coup.<sup>8</sup></p>	<ul style="list-style-type: none"> <li>• 150 handicapped persons that had resided in UNHCR camps since World War 2.</li> <li>• 158 refugees from families with at least one handicapped member. Most of these moved on to English speaking countries shortly after.</li> </ul>

<sup>3</sup> Source: Danmarks Statistik.

<sup>4</sup> Ibid.

<sup>5</sup> Source: The Danish Immigration Service.

<sup>6</sup> Although the Danish quota is flexible in terms of numbers (1500 places over 3 years) the allocation process takes place every year starting with the presentation of the UNHCR Projected Global Resettlement Needs report in July.

<sup>7</sup> <http://um.dk/da/~media/Tyrkiet/Documents/Regeringsgrundlaget2.ashx>

<sup>8</sup> Ibid. p. 57

<p><b>b) <u>On a programme basis</u></b></p> <p>1976-1979<sup>9</sup> Udlændingeloven (the Aliens Act).</p> <p>1989-2005</p> <p>2005 and ongoing</p>	<p><b>1976-1979</b>–“Ten-Or-More” agreement with UNHCR in which Denmark accepted at least 10 handicapped refugees. This led to Denmark getting a reputation for being a resettlement country that accepted weak, handicapped, and elderly refugees – a tradition that ended in the 2000s.</p> <p>Quota of <b>500</b> refugees per year<sup>10</sup></p> <p>Quota of <b>1,500/3</b> years with a target of roughly 500/year<sup>11</sup></p> <p>I. Sub-quota: circa <b>75</b> urgent cases</p> <p>II. Sub-quota: <b>20</b> or more for specially sick or handicapped (the previous “ten-or-more” program now extended)</p>
<p><b>c) “Temporary Resettlement”: Humanitarian Evacuation</b></p>	<p>n/a</p>
<p><b>d) Through other Projects</b></p> <p>Governmental Level</p> <p>Non-Governmental Level</p>	<p>n/a</p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>n/a</p> <p>n/a</p>
<p><b>III. Resettlement Implementation</b></p>	
<p><b><u>Refugees resettled</u></b></p> <p><b>2011</b><sup>12</sup></p> <p><b>2010</b></p> <p><b>2009</b></p>	<p><b>516</b></p> <p><u>Country of Origin</u>: <b>4</b> Bhutan, <b>140</b> Burma, <b>2</b> Burundi, <b>2</b> Colombia, <b>12</b> Congo Brazzaville, <b>154</b> DR of Congo, <b>29</b> Eritrea, <b>7</b> Ethiopia, <b>1</b> Iran, <b>1</b> Ivory Coast, <b>1</b> Jordan, <b>3</b> Stateless Palestine, <b>1</b> Rwanda, <b>11</b> Somalia, <b>143</b> Stateless, <b>4</b> Sudan, <b>1</b> Uganda.</p> <p><u>Country of Asylum</u>: <b>140</b> Malaysia (Burmese), <b>4</b> Nepal (Bhutanese), <b>154</b> Zimbabwe (Congolese), <b>218</b> Other</p> <p><u>Status Granted</u>: <b>382</b> Convention status, <b>98</b> Subsidiary protection, <b>31</b> humanitarian residence, <b>5</b> Resettled as unaccompanied minors.</p> <p><b>494</b></p> <p><u>Country of Origin</u>: <b>12</b> Afghanistan, <b>170</b> Bhutan, <b>160</b> Burma, <b>100</b> DR of Congo, <b>1</b> Eritrea, <b>7</b> Ethiopia, <b>6</b> Iraq, <b>2</b> Iran, <b>4</b> Russia (Chechenya), <b>5</b> Rwanda, <b>7</b> Somalia, <b>20</b> Other.</p> <p><u>Country of Asylum</u>: <b>132</b> Africa, <b>350</b> Asia, <b>4</b> Europe, <b>5</b> MENA.</p> <p><b>452</b></p> <p><u>Country of Origin</u>: <b>21</b> Afghanistan, <b>157</b> Bhutan, <b>6</b> Burma, <b>23</b> Burundi, <b>145</b> DR of Congo, <b>1</b> Eritrea, <b>17</b> Iraq, <b>17</b> Iran, <b>15</b> Liberia, <b>4</b> Russia (2 from Chechenya), <b>13</b> Somalia, <b>8</b> Stateless Palestinians, <b>8</b> Sudan, <b>19</b> Other.</p> <p><u>Country of Asylum</u>: <b>215</b> Africa, <b>184</b> Asia, <b>4</b> Europe, <b>49</b> MENA.</p>

<sup>9</sup> Ibid.

<sup>10</sup> [http://www.nyidanmark.dk/en-us/coming\\_to\\_dk/asylum/quota\\_refugees.htm](http://www.nyidanmark.dk/en-us/coming_to_dk/asylum/quota_refugees.htm)

<sup>11</sup> Ibid.

<sup>12</sup> Danish Immigration Service.

<p><b>2008</b></p>	<p><b>564</b></p> <p><u>Country of Origin</u>: <b>18</b> Afghanistan, <b>157</b> Bhutan, <b>155</b> Burma, <b>122</b> DR of Congo, <b>41</b> Iraq, <b>9</b> Russia, <b>17</b> Rwanda, <b>1</b> Somalia, <b>1</b> Stateless, <b>8</b> Stateless Palestinians, <b>12</b> Uzbekistan, <b>2</b> Other.</p> <p><u>Country of Asylum</u>: <b>140</b> Africa, <b>341</b> Asia, <b>9</b> Europe, <b>72</b> MENA.</p>
<p><b>a) Selection Criteria and Process – Pre-Arrival Phase</b></p>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria The criteria were introduced on June 1, 2005. Udlændingeloven (24/08/2011): §8 (3)</li> </ul>	<p>The legal basis for recognition of refugees in Denmark accords with the 1951 Convention of Refugees. Resettlement criteria consider the protection needs according to the UNHCR mandate first.</p> <p>Article 8(3) of the <a href="#">Danish Aliens Act</a>, stipulates the eligibility criteria, for resettlement as follows: (1) be in humanitarian need in which case it is appropriate to grant a residence permit, (2) not to have been able to return to the home country for an extended period of time, (3) be an unaccompanied minor, (4) have the essential qualifications to be granted residence permit, (5) have family ties to Denmark, (6) other exceptional circumstances. This article has extended resettlement to cases based on humanitarian grounds. This means that refugees referred to Denmark by the UNHCR may be accepted if they could have obtained a residence permit in Denmark on other grounds had they entered the country as an asylum-seeker. Humanitarian grounds refers to medical cases and certain groups of women-at-risk, unaccompanied minors (who do not otherwise qualify for refugee status), persons who cannot for other reasons return to their home country and exceptionally, persons who qualify as professionals or specialists needed in Denmark. Another important change to the Act was the addition of integration potential [Section 8(4)], as the second criterion (after protection) for resettlement. The integration criterion (which takes into account educational and language background, family size, work experience and age) aims to measure the ability of a refugee to take advantage of the possibilities and opportunities available in Denmark. The integration criterion is not applied to emergency, urgent or Ten-Or-More cases.</p> <p>The Danish Government announced that the integration criteria stipulated in section 8 (4) will be removed but it has not yet been implemented in the law.</p> <p>When assessing submissions for resettlement, Denmark, focuses on the refugee's prospects for settling and benefiting from living in Denmark, cf. section 8 (4) of the Danish Aliens Act. The following supplementary criteria are, therefore, of importance when considering a person for resettlement:</p> <p><i>Language Qualifications; Education and Work Experience; Families with Children; Social Network outside the Family; Age; Motivation.</i><sup>13</sup></p> <p>Exclusion factors are also applied in the Danish resettlement system. All refugees who are under consideration for resettlement in Denmark undergo a security investigation by the Danish Security Intelligence Service and the Danish Defense Intelligence Service.</p> <p>Pursuant to section 10 (1) (2) of the above act, an alien cannot be granted a residence permit under section 8 based on the conditions stipulated in this article.</p> <p>Furthermore, persons with mental illnesses will also not be accepted for resettlement in Denmark.</p>

<sup>13</sup> <http://www.refugeelegalaidinformation.org/node/1166>

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff o UNHCR</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>Through JPO scheme</p> <p>Processing of resettlement cases shall be carried out by</p> <p>The Danish Immigration Service (DIS) and to a certain extent, the Danish Refugees Council (DRC) on selection missions. The DRC has been part of the refugee interviewing process since the start of the resettlement programme. Furthermore, the DIS invites municipalities to participate in the selection missions. They are also invited to indicate whether they would like to receive any of resettled refugees as part of their annual quota for settlement (including refugees arriving to Denmark as asylum seekers and granted asylum or humanitarian status). In recent years there has been an increased interest in the part played by municipalities in selection missions.</p> <p>Once the destination and dates have been decided upon, the UNHCR can start forwarding the dossiers by mail to the DIS. The dossiers should be sent as early as possible in order to screen the cases and to have them cleared by the security services (police) before the selection mission takes place. The DRC and participants from the municipalities do not normally receive the dossiers beforehand.</p> <p>During the selection mission, DIS and DRC conduct the interview jointly and the general cultural information, which is given to the refugees before the interview, is also presented jointly. The delegation normally agrees on the individual cases, but the final decision is made by DIS upon return to Denmark. At the end of the mission, the delegation gives general feedback to UNHCR regarding the presentation of the cases, the quality of the submissions and the practical arrangements surrounding the mission.</p> <p>In addition to the above dossiers, Denmark has 75 places for dossier submissions which can be either urgent or emergency priority cases. These cases are submitted by post from UNHCR and do not need to belong to any specific region or nationality. The cases are examined by DIS; DRC has no involvement in this procedure since the changes in the law in 2005. The integration criteria do not apply to these cases but they have to fulfill the Danish criteria on refugee status, subsidiary protection or humanitarian status.</p> <p>Selection missions are carried out by the DIS and DRC. The delegations normally consist of two persons from DIS and two persons from DRC. The two persons from DRC will normally be one person with expertise in asylum law and one person with expertise in integration and reception of resettled refugees.</p> <p>For the last few years Denmark has conducted in-country selection missions to Malaysia (refugees from Burma), Nepal (refugees from Bhutan) and various African countries (refugees from DRC). In 2012 are (to be) conducted in-country selection missions to Malaysia, Nepal and Ecuador (refugees from Colombia).</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural Orientation (CO)</li> <li>• Assistance with Travel Documents</li> </ul>	<p>Done by DIS and Danish language teachers. 20 lessons evenly divided between cultural orientation and language classes. Offered to all refugees accepted on selection missions but not to refugees on dossier basis. The CO takes place over one week and as soon as possible after the CO has finished the refugees can travel to Denmark.</p> <p>Travel and assistance with exit permits and travel documents are organized by IOM together with DIS and the nearest Danish Embassy</p>

<ul style="list-style-type: none"> <li>Medical screening</li> </ul>	<p>Based on the assessment of the delegation during the selection mission, the cases, which may qualify for resettlement to Denmark, are referred to IOM for health assessments. IOM has about one month to conduct the health assessments. Upon forwarding the files to DIS, that organisation makes the final decision.</p>
<p><b>Procedure Timing</b><sup>14</sup></p>	<p>Normally, a decision will be made 3 months after the delegation has returned from the interview trip. It should be less for the emergency cases.</p>
<p><b>Comments</b></p>	<p>Denmark has a well functioning and well-established resettlement programme both at the pre –departure and post- arrival phase. Civil society is involved in the implementation of the selection process to a certain extent (on selection missions but not on dossier cases, which form about 20 percent of all accepted cases). Furthermore, civil society has no influence on the selection of overall groups to be resettled in Denmark, which is decided politically by the responsible minister after consultations with the DIS. In this process the DIS consult –to a limited degree – the local authorities regarding the integration potential of previously resettled groups.</p> <p>It is recommended that NGOs and local authorities should be more involved on the selection process as they could bring their experience-based expertise by better identifying the integration needs of the groups to be resettled in the post arrival phase. The selection interviews focus too much on the family composition and asylum motive and not enough on the psychological state of refugees, which could enable refugees to better prepare the integration programme.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p>Legal source: <a href="#">Aliens Act</a> (24/08/2011): 8 (1), (2) (3)</p>	<p>Irrespective of which status the refugees are granted (convention, subsidiary, humanitarian), they receive- at arrival- a temporary residence permit valid for 4 years. The length of the temporary residence permit has changed many times over the years. The refugee can apply for a permanent residence permit after 4 years in Denmark, but the requirements are very high and in practice it would be very unusual for a refugee to obtain the permanent residence permit after 4 years.</p> <p>At the moment, the conditions for residence are being amended again.</p>
<p><b>Rights granted</b></p> <p>Legal source:</p> <p>Sundhedslove (13/07/2010): §7</p> <p>Integrationsloven (20/08/2010): §24c, § 24a, §23</p> <p><i>Airport arrival</i></p> <p><i>Info upon arrival</i></p>	<p>DIS, receiving municipalities and sometimes local volunteers including previously resettled refugees</p> <p>Municipality is responsible for the reception of the refugees. DIS informs municipalities and civil society of the arrival of new groups.</p>

<sup>14</sup> Source: UNHCR Handbook on Resettlement: Denmark.

<i>Developing integration program<sup>15</sup></i> (housing, public assistance, legal issues, employment and education, child welfare, mental health and medical assistance, finance assistance and social integration)	Refugees accepted for resettlement are also granted the work permit. They have the right to take up employment in Denmark immediately upon their arrival in the country. The municipalities offer a 3-year mandatory integration programme on behalf of the government, financed by government funds. The integration programme consists of Danish language classes as well as lessons in Danish culture and history. The social workers from the municipality also provide assistance with housing as well as engaging in a dialogue with the refugee to make an individual contract/plan of action to find employment in Denmark. The programme contains a minimum of 30 hours of activities per week and includes the abovementioned language and cultural orientation. The programme may also contain vocational training.
<i>Preparing local community</i>	Municipalities responsible with assistance of volunteer groups.
<i>Cultural orientation</i>	Danish cultural orientation courses as well as Danish language courses. The 30 hours programme is run through language schools and civil society.
<i>Counselling</i>	Municipalities and civil society.
<i>Language/skills training</i>	Language schools run by municipalities or other contractors like the DRC. Free language training for the first three years.
<i>Health</i>	All persons registered as residing in Denmark have access to public health care. Once arrived, the resettled refugees receive a Health Insurance Card for their local municipality.
<i>Education and Employment assistance</i>	All children residing in Denmark have access to the public school system that is free of charge.  There are no restrictions on resettled refugees' access to the Danish adult education system. In order to promote educational opportunities and job prospects, special courses may even be designed in order to meet their needs.  Municipalities, and to a lesser degree civil society, are responsible for education and employment assistance.
<i>Family reunification</i>	Family reunification is outside the resettlement quota. <sup>16</sup> Applying for family reunification can be rather complicated and the refugees often need the assistance of legal aid clinics or the volunteer clinics of the DRC or others (municipalities/ volunteers) to help them apply.
<i>Advice on accessing services</i>	Municipalities.
<i>Mentoring</i>	Done through civil society.
<i>Training of local service providers</i>	Municipalities are responsible for the programme.
<i>Volunteer support</i>	Three major players, DRC, Danish Red Cross and KIT funded by the state or local budgets.
<i>Housing</i>	Municipalities are responsible for finding appropriate housing for resettled refugees. Strong efforts are made to find permanent accommodation prior to their arrival or if this is not possible within the first 3 months of their arrival.
<i>Refugee contribution to integration</i>	Some of the refugee communities are involved in the reception of newcomers.

<sup>15</sup> According to the Danish Integration Act: [http://ec.europa.eu/ewsi/UDRW/images/items/docl\\_998\\_399180562.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/docl_998_399180562.pdf)

<sup>16</sup> Rules on family reunification may change and therefore the official website must always be consulted: <http://www.nyidanmark.dk/en-us/>.



<p><i>Governments contribution to municipalities</i></p>	<p>Integration programme for the first three years fully funded by the State.</p>
<p><b>Comments</b></p>	<p>The post arrival phase of resettlement is viewed as a well-established structure that in generally is functioning well. Nevertheless it could be improved in various ways in order to accommodate the needs of specific groups.</p> <p>In this view, the collaboration amongst the key players - NGOs and local authorities - was difficult at the very beginning and still varies from place to place. Most municipalities see a clear value in the volunteer work although there may be a tendency to include volunteers more and more due to cuts in public spending. This may not always be to the advantage of the refugees. In those municipalities where the cooperation is good, there may be regular meetings between the volunteer group and the municipality to discuss the framework of cooperation. On the contrary, the collaboration amongst different NGOs is not viewed as being as good as it should be.</p> <p>With regard to placement in the municipalities, it seems to work relatively well but could be done better. The major problems relate to finding a proper house, which is affordable, and within reach of schools and jobs even with public transport.</p> <p>In terms of funding it can be a challenge for the NGOs to get proper funding for the activities as most funding comes from the state -so there are not enough funds for specific projects. Furthermore, because of the lack of financing opportunities under ERF, there are no twinning projects but there is a wish to learn from others.</p> <p>It is recommended:</p> <p>Multiyear planning (e.g. three years) is implemented in terms of numbers (flexible quota) and also in terms of priorities. This would give certainty to the UNHCR, local authorities and civil society to plan their integration efforts more effectively. If substantial changes take place in terms of the refugee groups most in need of resettlement, the plans could be altered during the period. This also includes a better allocation of funds for different projects run by NGOs.</p> <p>The Danish government should remove the integration potential criteria, as they have promised to, as soon as possible.</p> <p>When deciding the placement of the refugees to different municipalities, the Danish Immigration Service should have more regard to the capacities of each municipality to receive and integrate the refugees. The municipalities should also avoid placing the refugees in accommodation which is far from convenient public transport systems and in any way distanced from jobs and educational opportunities. If the prices of housing are too high, there should be special economic support systems in place to compensate for that.</p> <p>With regard to a possible link between selection and integration, it is believed that is important to involve the volunteers as soon as possible post arrival.</p> <p>Although the cooperation between civil society and municipalities is very good in general, there are some areas of the country where the municipalities do not accept and do not see the advantages of the involvement of the local volunteer groups. In order to improve this cooperation, the various actors should be encouraged to meet more often and become familiar with each other.</p> <p>It is also emphasized that it is crucial that resettlement be granted to those refugees who have the highest requirements for protection.</p>

c) Costs and Funding	
<p><b>Funding</b></p> <p><i>National Level</i></p> <p><i>ERF</i></p>	<p>In 2011 the Ministry of Integration was closed. The newly created Udlæningsstyrelsen that took over the tasks related to refugee resettlement is a sub-division of the justice department.<sup>17</sup> This department covers special expenditures related to the treatment of foreigners such as the costs for interpreters, asylum camp surveys, verifications, language tests, foreign legal aid, age verification and legal aid to foreign minors that seek asylum. Furthermore, expenditure related to the returning refugees who fail to reach certain criteria is also the responsibility of this new office. Finally, Udlæningsstyrelsen covers integration costs for resettled refugees, interview trips for resettlement refugees, courses for these, and health examinations of these.<sup>18</sup></p> <p>Data:</p> <ul style="list-style-type: none"> <li>• For 2012: 17.2 million DKK (2009: 12.4; 2010: 18.4; 2011: 14.9 – projected for 2013-15: 17.2/year)</li> </ul> <p>Denmark has opted out from ERF.</p>
<p><b>Costs</b></p>	<p>n/a</p>
<p><b>Comments</b></p>	<p>In Scandinavia, there is often a strong case to make comparisons between the countries. In Denmark's case, this would mean an increase in the quotas, since Denmark accepts relatively fewer refugees than Sweden and Norway. This argument has also been raised in public debates on the topic, and indicates that Denmark may be capable of managing an increased capacity.<sup>19</sup></p> <p>Denmark has the capacity to resettle more refugees and increase the yearly resettlement quota to 1500 a year or 4500 over three years. In order to do so, the funding could be allocated in a different way in order to create an incentive for the municipalities to do more for resettled refugees.</p>

<sup>17</sup> Source: Finansloven 2012: 11.51.01: 20: Særlige sagsomkostninger

<sup>18</sup> <http://www.oes-cs.dk/bevillingslove/doctopic?book=BEVPUBL.FL12A&topic=11.51.01&searchtype=3>

<sup>19</sup> e.g. <http://www.dr.dk/Nyheder/Politik/2011/08/25/160402.htm?rss=true>



# **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

## ***KNOW RESET – Country Profile***

### ***Estonia***

Report written by  
**Lehte Roots (EUI)**  
and reviewed by the Know Reset team

July, 2013

### Country Profile: ESTONIA

Estonia has been a member of the EU since 2004. In 2007 it became part of the Schengen visa system.

The first Refugee Act was introduced in 1997, in that same year Estonia became a signatory of the 1951 UN Refugee Convention. Since 1997 Estonia has started to grant refugee status and after the transposition of the EU directives, it has also granted subsidiary and temporary protection. In 2006 an act entitled Act Granting International Protection for Aliens (Välismaalasele rahvusvahelise kaitse andmise seadus) was adopted which introduced the subsidiary and temporary protection possibilities.

Estonian immigration policy is generally restrictive and is not very open to new waves of immigration. It is possible to apply for residence permit on the basis of family reunification, study, research, work, setting up a business, on the basis of legal income and in cases of substantial public interest.

The Estonian migration and asylum policy report issued in March 2011 for the year 2010 states that the topic which was debated most was residence permit requirements for foreign labour. This issue concerned the opening up of the Estonian labour market for labour coming from third countries and to fix the salary requirements for labour coming from outside of the European Union.<sup>1</sup>

Estonia has also imposed immigration quotas, which are around 1,000 persons per year. The quota number is reviewed every year by the government. Estonia is considered more as a transit country and not as a settlement country. In 2010 there were 2,434 entry refusals at the border of Estonia<sup>2</sup>.

Public opinion towards immigration is mostly negative. Half of the responses to the public poll conducted in 2010 by Saar Poll OÜ indicated that immigration has negative impact on Estonia. The negative evaluation of immigration is supported by the opinion that immigration places a burden on the social system, increases unemployment and situations of conflict. Estonia already has a very big proportion (30%) of the population which has an immigrant background and there are persistent integration problems.<sup>3</sup>

The number of asylum seekers coming to Estonia is increasing, but it has not been an important destination country for asylum seekers. While the number of persons applying for asylum was between 10-20 persons per year before 2011, Estonia received 67 asylum seekers in 2011. The number of Dublin cases has risen (19 persons in 2010 were sent back to Estonia).

Estonia is not a resettlement country and also does not see itself as a country where refugees should be resettled or relocated.<sup>4</sup> Estonia has stated this opinion many times that it is not interested to participate in such projects related to immigrants. It is based on the difficulties related to the state budget and also a lack of reception capacity of refugees.<sup>5</sup>

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<sup>1</sup> [http://www.sisekaitse.ee/public/ERV/2010\\_POLIITIKA\\_ARUANNE\\_ee\\_final.pdf](http://www.sisekaitse.ee/public/ERV/2010_POLIITIKA_ARUANNE_ee_final.pdf), p 13

<sup>2</sup> [http://www.sisekaitse.ee/public/ERV/2010\\_POLIITIKA\\_ARUANNE\\_ee\\_final.pdf](http://www.sisekaitse.ee/public/ERV/2010_POLIITIKA_ARUANNE_ee_final.pdf) p 29

<sup>3</sup> [http://www.siseministeerium.ee/public/EPF/Pagulasuuring\\_ARUANNE.pdf](http://www.siseministeerium.ee/public/EPF/Pagulasuuring_ARUANNE.pdf)

<sup>4</sup> Interview with Pomerants, M, member of the Parliament, 27.01.2012.

<sup>5</sup> Komisjoni teatis nõukogule ja Euroopa Parlamendile Euroopa Liidu ühise ümberasustamisprogrammi loomise kohta, 2.09.2009 <http://register.consilium.europa.eu/pdf/et/09/st12/st12986.et09.pdf> and Eesti põgenike ümberasustamise projektis ei osale, Eesti Päevaleht, 17.09.2009, <http://www.epl.ee/artikkel/480500>

Asylum Profile	
<a href="#"><u>Number of protection status granted</u></a> <sup>6</sup>	<p>11 (2011)</p> <ul style="list-style-type: none"> <li>• 8 Refugee Status Granted</li> <li>• 3 Subsidiary Protection</li> </ul> <p>17 (2010)</p> <ul style="list-style-type: none"> <li>• 11 Refugee Status Granted</li> <li>• 6 Subsidiary Protection</li> </ul>
Number of asylum seekers	<p>67 (2011)</p> <p>33 (2010)</p>
Resettlement Scheme	None
Resettlement Quota	/
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><a href="#"><u>Act Granting International Protection for Aliens</u></a> (Välismaalasele rahvusvahelise kaitse andmise seadus) Published in RT I 2006, 2, 3 enforced 01.07.2006<sup>7</sup></p>	No provision relating to resettlement.
Other basis of resettlement	/
On-going or foreseeable project/reform	There is no reform or project going on. Resettlement is not on the political agenda.
II. Resettlement Policy and Related Involvements	
a) <a href="#"><u>On an ad hoc basis</u></a>	/
b) On a programme basis	/
c) "Temporary Resettlement": Humanitarian Evacuation	/
d) Through other Projects	
Governmental Level	No
Non-Governmental Level	No

<sup>6</sup> <http://www.pagulasabi.ee/eesti.statistika/>

<sup>7</sup> available [www.riigiteataja.ee](http://www.riigiteataja.ee)

<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>No</p> <p>No</p>
<p><b>III. Resettlement Implementation</b></p>	
<p><b>Refugees resettled</b></p>	<p>None</p>
<p><b>Comments</b></p>	<p>There is no motivation to resettle refugees. The questionnaire filled by the parliament members, Ministry of Interior and NGOs do not give any promising possibilities to introduce resettlement in Estonia. Asylum seekers do not see Estonia as their destination country, in general practice, they tend to simply get stuck in Estonia or have been stopped in there on their way to Nordic countries. A number of the persons who were granted international protection, left soon after receiving the necessary personal and travel documents.</p> <p>Estonia does not have large diasporas of third country nationals from defined resettlement priority regions. There is a high probability that any resettlement to Estonia will not be successful and will result in secondary movements within EU. The NGOs dealing with asylum seekers and refugees (legal and social assistance in some cases) are dependent on the projects performed with the help of EU-funding. It seems that this system is not sustainable if the EU funding is cut.</p> <p>Very often the high number of foreigners settled in Estonia is taken as a basis for the arguments not to liberalize Estonian immigration policy; also the Estonian capacity to integrate newcomers is a well-known problem. The economic situation is the other main reason, as many residents live in extremely poor conditions or without jobs.<sup>8</sup></p> <p>Estonian officials strongly believe that resettlement at the EU level should be a voluntary act and cannot be a state obligation.</p> <p>The Ministry of Interior, at interview, stated that asylum issues should remain up to the member states as it increases the financial and administrative burden of the states.<sup>9</sup> Estonian officials also do not have any experience or expertise in resettlement and therefore more training would be needed to manage any resettlement. There is also no political debate as to whether or not Estonia should resettle refugees. According to the opinion of the Ministry of Interior it would be an extremely unpopular decision to start to resettle refugees to Estonia. The public opinion poll ordered by the ministry and delivered in 2010 showed that Estonian population is not open to refugees.</p>

<sup>8</sup> Interview with Pakosta, L. member of the Estonian Parliament, 26.01.2012.

<sup>9</sup> Interview with the Ministry of Internal Affairs, 14.02.2012.

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### ***KNOW RESET – Country Profile***

#### ***Finland***

Report written by

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**Ann-Charlotte Sirén-Borrego (ECRE)**

**and reviewed by the Know Reset team**

April, 2013

### Country Profile: Finland

Being socially, culturally and politically homogenous, Finland has a relatively small number of immigrants. Notwithstanding the Finnish emigrants living in Sweden and the Finnish-speaking people living in neighboring areas of Russia, the Finnish language is not spoken widely anywhere outside of the country. The difficulty of the language, the remote location, the severe weather conditions and the small number of big cities are probably the most significant reasons for the low level of immigration into Finland.

The number of foreign citizens in Finland reached 20.000 for the first time in the end of 1980s and has been growing since the beginning of the 1990s. The collapse of the Soviet Union caused a peak in immigration in 1991-1993. A large number of immigrants are of Russian origin (many of them from pre-war Finnish territories) but also refugees are well represented (especially Somali and people from the former Yugoslavia). Since 1995, when Finland joined the EU, immigration has been growing steadily from an annual level of approximately 12.000 persons to closer to 30.000 immigrants in 2011.<sup>1</sup>

Finland aims at an active role in all types of international cooperation, especially in the framework of the United Nations. Another important framework for the country is the Nordic cooperation. The country's well-established refugee resettlement programme should be examined in this context. The beginning of refugee resettlement in Finland was greatly influenced by the other Nordic countries, especially Sweden. Finland's Scandinavian neighbours were receiving large numbers of refugees yet Finland had very few. Another motivation was that it was felt that cooperation with the UNHCR and the establishment of its own resettlement programme showed the country's willingness to practice progressive international humanitarian policy. Furthermore, the opportunity to resettle refugees was seen as one of the ways in which Finland could further integrate with its European and Scandinavian partners and dissociate itself from its Russian neighbour. Today refugee resettlement is considered an important form of Finland's foreign policy. In addition, refugee resettlement is often seen as one of the primary ways Finland participates in "burden-sharing" and global distribution of social justice and peace and security. The resettlement programme is the most visible, and also generally accepted, form of the country's humanitarian foreign policy.

The first decision on admitting refugees collectively was taken by the Government on 24 October 1973 concerning the reception of a hundred refugees from Chile. The actual beginning of refugee resettlement in Finland is usually placed in the year 1979 when Finland started to receive refugees at the request of the UNHCR. The first refugees were admitted on an ad hoc basis and they consisted of approximately 100 Vietnamese refugees received from Malaysia. A resettlement programme has been in place since 1985. Legal provisions regarding resettlement were legislated for in 1991<sup>2</sup>.

Refugees who arrive under the resettlement quota (known as 'Quota refugees') have been the first refugees that arrived to Finland in large numbers. Since 2001, the annual number of quota refugees has been 750. The largest refugee groups admitted to Finland under the refugee quota since 2001 have been Iraqis, Afghans, Sudanese, Burmese and Iranians.

When the pre-quota Chilean refugees arrived in 1973, Finland was completely unprepared for the reception of large numbers of refugees. The first group of Vietnamese refugees in 1979 arrived to a similar situation. In the 1980s, Finland received about 1400 refugees, mostly Vietnamese. During this period, a large number of municipal decision-makers and officials were trained and became familiar with refugee resettlement. During the 1990s, Finland received a growing numbers of asylum seekers, thus the number of refugees living in the country went up. At the same time, Finland was suffering from a severe recession and unemployment. During this decade the legislation and practices concerning refugees' reception, integration and prevention of social exclusion were created. In the beginning refugees were received in temporary reception centres. Since 1987, the reception was gradually shifted to municipalities.<sup>3</sup>

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<sup>1</sup> Statistics Finland ([http://www.stat.fi/til/muutl/index\\_en.html](http://www.stat.fi/til/muutl/index_en.html)).

<sup>2</sup> The Aliens Act of 1991

<sup>3</sup> Sirkku Päivärinne, Pakolaisten vastaanoton kolme vuosikymmentä, in Outi Lepola (ed.), *Koto-maana Suomi, Kertomuksia maahanmuutosta 1999–2001*, Työministeriö, Edita Helsinki, 2002, p. 25–34.

Public opinion is generally more welcoming toward quota refugees than other beneficiaries of international protection since it is widely considered that quota refugees come from serious conflict situations and have been individually chosen by Finland. A certain differentiation between quota refugees and other persons benefiting from international protection is also present in the legislation and practices of the Finnish authorities. This differentiation in the public opinion is, however, becoming maybe less evident because of the growing number of immigrants in municipalities across the country.

There are also an increasing number of people who are critical of Finland's immigration policy. This was demonstrated by the success of a nationalistic party, "True Finns", in the parliamentary elections of 2011.

In the current political climate of Finland, there does not seem to be the willingness, or financial capacity (especially in the municipalities), to increase the quota size. Additionally, the political reality in Finland is such that no political party would consider to proposing an increase in the resettlement quota. The role of media is crucial to influencing attitudes.

Finland emphasises the need of strategic resettlement. It also stresses the need for continuing the implementation of the Joint EU Resettlement Scheme including the need to get more EU states to participate in the global resettlement work in cooperation with UNHCR.<sup>4</sup> It is also felt that the EASO, by managing the EU resettlement scheme, has an important role in promoting, both by financial incentives and by sharing good practises, an overall increase of resettlement places in the EU.

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<sup>4</sup> <http://www.unhcr.org/refworld/docid/4ecb9bfd1c.html>

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>5</sup></p>	<p><b>1,271</b> (2011):</p> <p><b>169</b> (Refugee status (Persons granted with asylum) <sup>8</sup>)  <b>714</b> (Subsidiary protection)  <b>143</b> (Humanitarian protection)  <b>245</b> (Other grounds<sup>9</sup>)</p> <p><b>1,784</b> (2010):</p> <p><b>181</b> (Persons granted with asylum)  <b>644</b> (Subsidiary protection)  <b>654</b> (Humanitarian protection)  <b>305</b> (Other grounds)</p>
<p><b>Number of asylum seekers</b><sup>6</sup></p>	<p><b>3,088</b> (2011)  <b>4,018</b> (2010)</p>
<p><b>Resettlement Scheme</b></p> <p><b>Resettlement Quota</b><sup>7</sup></p>	<p>Programme-Based (since 1985)</p> <p><b>750/year</b> (since 2001)</p>
<i><b>I. Legal and Administrative Framework</b></i>	
<p>Asylum law / Aliens Act</p> <p>Ulkomaalaislaki 30.4.2004/301  (<a href="#">Aliens Act</a>)</p>	<p>Sections 90, 91 and 92 of Chapter 6 (International protection). The Finnish Aliens Act lays down the definition of “refugee quota” and the requirements and procedures for admitting aliens to Finland under the refugee quotas.</p>
<p><b>Other basis of resettlement:</b></p> <ul style="list-style-type: none"> <li>– Agreement with UNHCR 1985</li> <li>– <a href="#">Decision SM/2011/2143</a> on 17 February 2012 by the Ministry of the Interior.</li> </ul>	<p>Signed agreement to participate in the UNHCR resettlement Programme from beginning of 1985. <sup>10</sup></p> <p>Adopted by the Finnish government on the geographical allocation of the refugee quota based on a proposal prepared by the Ministry of Interior, Ministry of Foreign Affairs and the Ministry of Employment and the Economy.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>The current Government continues the resettlement activity in accordance with the well-established practice.</p>

<sup>5</sup> Source: The Finnish Immigration Service.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> ‘Asylum’ refers to the residence permit issued to a refugee under the asylum procedure. The asylum procedure is applied to asylum seekers that apply for international protection at the Finnish border or on Finnish territory. Quota refugees do not go through the asylum procedure. They are granted with a refugee status based on the assessment conducted by the UNHCR and the Finnish authorities during the selection trip.

<sup>9</sup> Includes persons admitted, for example, through family reunification and on individual human grounds.

<sup>10</sup> <http://www.unhcr.org/3c5e57f07.pdf>



<b>II. Resettlement Policy and Related Involvements</b>	
<p><b>a) On an ad hoc basis</b></p> <p>1973- Government decision of 24 October</p> <p>1979 -1985</p>	<p><b>Chile, 1973:</b> The first reception of <b>100</b> refugees from Chile.</p> <p>In addition, Kirkon Ulkomaanapu (Finn Church Aid, an NGO) committed to the reception of <b>10</b> refugees. This resettlement of refugees to Finland was done on the refugees' own application and in cooperation with the representative of the UNHCR based on instructions received from the Finnish Ministry for Foreign Affairs and the Ministry of the Interior.<sup>11</sup></p> <p>The first refugees were admitted on an ad hoc basis and they consisted of approximately 100 Vietnamese refugees received from Malaysia. Ad hoc resettlement was continued until a resettlement programme was put in place in 1985.</p>
<p><b>b) On a programme basis</b></p> <p><u>Evolution of quotas</u> between 1986 and 2012</p> <p>1986</p> <p>1987</p> <p>1988</p> <p>1989-1991</p> <p>1992-1993</p> <p>1994</p> <p>1995 – 1996</p> <p>1997</p> <p>1998</p> <p>1999</p> <p>2000</p> <p>2001-2012</p>	<p>The annual quota for refugees is established in the annual State budget approved by the Parliament. Since 2001, the quota has been fixed at 750 persons a year. 10% of the quota is reserved for emergency cases and urgent cases. The reception of refugees at the request of the UNHCR is always implemented in the framework of the refugee quota. The same applies to the reception of persons appeared as witnesses at international criminal courts and considered to be in need of protection. Finland does not resettle outside the arrangements with the UNHCR and the international criminal courts.</p> <p>100</p> <p>200</p> <p>300</p> <p>500</p> <p>500 + 200 (An additional quota for ex-Yugoslavia)</p> <p>500</p> <p>500 + 500 (An additional quota for ex-Yugoslavia)</p> <p>500</p> <p>600</p> <p>650</p> <p>700</p> <p>750<sup>12</sup></p>
<p><b>c) “Temporary Resettlement”: Humanitarian Evacuation</b></p>	<p>n/a</p>
<p><b>d) Through other Projects</b></p> <p><i>Governmental Level</i></p>	<p>Two twinning arrangements in the form of the MORE and MOST projects.</p>

<sup>11</sup> Quick Holger: Chilen pakolaistoimikunta II:n raportti työvoimaministeriölle vv. 1973-1974 saapuneita Chilen pakolaisia ja heidän olojensa järjestämisestä koskeneista toimenpiteistä. Helsinki: Työvoimaministeriö, 1975.

<sup>12</sup> The resettlement quota was never fulfilled but it varies from year to year

<p><b><u>The MORE Project</u></b> (Modelling of National Resettlement Process and Implementation of Emergency Measures)</p> <p>December 2003 - April 2005.</p> <p><b><u>The MOST Project</u></b> (Modelling of Orientation, Services and Training related to the Resettlement and Reception of Refugees)</p> <p>December 2006-2008</p> <p>February 2010 and ongoing</p> <p><i>Non-Governmental Level</i></p>	<p>An EU funded Project run mainly by the Finnish Ministry of Labour and the Reception and Integration Agency of Ireland in cooperation with the UNHCR, the IOM and the European Council on Refugees and Exiles (ECRE).</p> <p>A transnational project funded by ERF. Led by the Finnish Ministry of Labour. Project partners: the Reception and Integration Agency of Ireland, the Spanish Ministry of Labour and Social Affairs and the Swedish Migration Board. Implemented in cooperation with UNHCR, IOM and ECRE.</p> <p>Informal cooperation with some other EU countries. Ireland, Romania, Poland and Hungary have participated to the Finnish delegation's selection trips as observers.<sup>13</sup></p> <p>The HAAPA-project<sup>14</sup>: to enhance the placement of highly vulnerable resettled refugees in local municipalities.</p> <p>ESF project: 'EU-resettlement linked in' an awareness raising, fact finding, information exchanging, project.</p>
<p><b>e) "Resettlement-like" experience</b></p> <p>From Guantanamo</p> <p>Intra-EU "Relocation"</p> <p>Other</p>	<p>n/a</p> <p>Finland does not engage in any EU relocation activities.</p> <p>Finland has agreed, that if necessary, it will give protection to persons appearing as witnesses at international criminal courts (ICC, ICTY and the Special Court for Sierra Leone). A small number of such persons have been admitted to Finland under the refugee quota. They were included in the emergency quota, that is 10 % of the overall refugee quota.</p>
<p><b>Comments</b></p>	<p>According to the current Government's programme from June 2011, the refugee quota policy will be continued at current level in cooperation with the UNHCR. The biggest challenge for effective resettlement is the small number of municipalities willing to receive quota refugees. The Government is thus aiming at an increase in the number of municipalities receiving quota refugees. A financial incentive in the form of the HAAPA project has been created for the promotion of resettlement of refugees in a vulnerable position. The Ministry of Employment and the Economy is currently negotiating with the Association of Finnish Local and Regional Authorities on how to increase refugee placements in municipalities. The Government programme in this regard was set out in June 2011. In order to support the cooperation model between the state and municipalities, a plan will be prepared to gradually raise the level of compensation paid to municipalities. The level of compensation will then correspond with the actual development of costs.</p>

<sup>13</sup> Interview with Senior Inspector Monica Harju, the Finnish Immigration Service.

<sup>14</sup> [http://www.resettlement.eu/sites/icmc.tcp.eu/files/Creating%20Welcoming%20Communities\\_HAAPA%20Finland.pdf](http://www.resettlement.eu/sites/icmc.tcp.eu/files/Creating%20Welcoming%20Communities_HAAPA%20Finland.pdf)

### III. Resettlement Implementation

<u>Refugees resettled</u> <sup>15</sup>	
2011	<p><b>626</b></p> <p>Selection trip: Thailand Admitted refugees: <b>119</b> Burmese refugees, <b>50</b> so-called urban refugees of various nationalities</p> <p>Selection trip: Iran Admitted refugees: <b>265</b> Afghan refugees</p> <p>Selection trip: Rwanda Admitted refugees: <b>92</b> Congolese refugees</p> <p>In addition, <b>100</b> emergency cases of different nationalities (usually chosen based on e.g. health and security reasons)</p>
2010	<p><b>634</b></p> <p>Country of first asylum: Rwanda (<b>126</b>) Country of origin: DR of Congo (<b>126</b>)</p> <p>Country of first asylum: Iran (<b>153</b>) Country of origin: Afghanistan (<b>153</b>)</p> <p>Country of first asylum: Thailand (<b>147</b>) Country of origin: Burma (<b>131</b>) Sri Lanka (<b>10</b>) Pakistan (<b>6</b>)</p> <p>Country of first asylum: Syria (<b>145</b>) Country of origin: Iraq (<b>144</b>) Egypt (<b>1</b>)</p> <p>Emergency cases: <b>63</b></p>
2009	<p><b>727</b></p> <p>Country of first asylum: Rwanda (<b>151</b>) Country of origin: DR of Congo (<b>151</b>)</p> <p>Country of first asylum: Syria-Jordan (<b>327</b>) Country of origin: Iraq (<b>301</b>) Stateless (<b>26</b>)</p> <p>Country of first asylum: Thailand (<b>149</b>) Country of origin: Burma (<b>125</b>) Sri Lanka (<b>22</b>) Iran (<b>1</b>) Somalia (<b>1</b>)</p> <p>Emergency cases: <b>100</b></p>
2008	<p><b>737</b></p> <p>Country of first asylum: Rwanda (<b>156</b>) Country of origin: DR of Congo (<b>151</b>) Burundi (<b>5</b>)</p> <p>Country of first asylum: Syria (<b>282</b>) Country of origin: Iraq (<b>282</b>)</p>

<sup>15</sup> Information received by email from Senior Officer Arja Rantonen-Lakkisto, the Finnish Immigration Service, on 23 April 2012. Statistics for 2003-2010 are available on the website of the Finnish Immigration Service ( [http://www.migri.fi/about\\_us/statistics/statistics\\_on\\_asylum\\_and\\_refugees/quota\\_refugees](http://www.migri.fi/about_us/statistics/statistics_on_asylum_and_refugees/quota_refugees)).

## KNOW RESET Country Profile: Finland

	<p>Country of first asylum: Thailand <b>(200)</b>  Country of origin: Burma <b>(150)</b>  Sri Lanka <b>(18)</b>  Pakistan <b>(5)</b>  China <b>(13)</b>  Burundi <b>(1)</b>  Somalia <b>(1)</b>  Iran <b>(2)</b>  Ivory Coast <b>(2)</b>  DR of Congo <b>(5)</b>  Stateless <b>(3)</b></p> <p>Emergency cases: <b>99</b></p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria  Ulkomaalaislaki 30.4.2004/301 (Aliens Act) section 92 and section 36</li> </ul>	<p>The requirements to apply for asylum are laid down in section 87 of the <a href="#">Alien Act</a>. The wording of this section is virtually identical to the definition in the 1951 Convention, omitting the territorial and temporal limitations.</p> <p>Refugee status is granted based on the assessment submitted by UNHCR. The UNHCR resettlement criteria is applied under section 92 (2).</p> <p>On an exceptional basis, persons other than those presented by the UNHCR may be granted a residence permit. This based on their need for protection, instead of being granted convention/refugee status.<sup>16</sup></p> <p>The selection criteria for quota refugees are determined in Section 92 of the Aliens Act. Those in polygamous marriages are not accepted for resettlement in Finland.</p> <p>In addition to these selection criteria laid down in the Aliens Act and the annual decision taken on the geographical allocation of the refugee quota (based on the need of continuity in the chosen refugee groups), Finland has not determined any specific target groups. According to the Finnish authorities, the need for international protection is the primary and most important selection criterion. Finland also puts emphasis on the alien's capacity to integrate into Finnish society. The refugee's motivation to integrate is seen as an important factor.</p> <p>The general requirements for issuing residence permits apply also to quota refugees. It may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country.<sup>17</sup></p>

<sup>16</sup> The Finnish Alien's Act (301/2001), Section 90

<sup>17</sup> More detailed explanation of the selection criteria is included in the Government proposal for the Aliens Act of 2004.

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>The selection procedure is initiated by documents submitted by UNHCR. Based on these, the officials of the Immigration Service MIGRI and the security authorities make a pre-selection in Finland. All the relevant information concerning the refugee's needs for resettlement, integration potential and possible family relations should be available at least a month prior to the actual selection mission.</p> <p>n/a</p> <p>The UNHCR and Finnish Immigration Services.</p> <p>As an exception to the normal procedure, in emergency and urgent cases, aliens are admitted to Finland without a personal interview on the basis of a written statement by the UNCHR. Very few cases are accepted through a dossier selection.</p> <p>These interviews are conducted by MIGRI officials, representatives of Employment and Economical Development Centres and, if necessary, security officials. In the recent years municipalities have also taken part in the missions. During the selection mission the delegation presents a briefing to provide the refugees with basic information on Finland.</p> <p>After the interviews the members of the delegation prepare a tentative list of those to be selected. At the end of the mission the list is given to the UNHCR's field officer. The final decision will be made within two months.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>Cultural orientation is the remit of IOM. The course has been mandatory for everyone over 15 years of age. The arrangement was established in 2001 and ran until the termination of the contract in 2010. The orientation was not arranged in 2011 and the contract for 2012 is currently being negotiated.</p> <p>After a municipality has been located to accommodate the refugee(s), the travel arrangements can be made. These are handled by IOM and financed for by the Finnish government.</p> <p>Before departure, IOM conducts a fit-to-travel examination to ensure that there are no medical obstacles to the travel or that the passenger poses no risk of infection to the other passengers.</p>
<p><b>Procedure Timing</b></p>	<p>January/February: Scheduling of selection trips with the UNHCR</p> <p>May: The UNCHR sends the refugees' documents to the Finnish Immigration Service ("Migri")</p> <p>June: First selection trip</p> <p>August: Migri's decision, details of the chosen refugees are sent to the municipalities</p> <p>September/October: Information on municipal placement and accommodation to Migri, travel arrangements made (Migri/IOM), second selection trip.</p> <p>Decision is made in approximately two months.</p> <p>November/December: Arrival of the refugees, third selection trip.</p>

<p><b>Comments</b><sup>18</sup></p>	<p>The annual refugee quota is never fully filled. According to the Finnish authorities, this is mainly due to the lack of suitable candidates proposed by the UNHCR and the lack of flexibility in changing the allocation decision to include candidates from other regions. Since the Finnish government policy regarding selection is explicitly based on humanitarian criteria and not on integration perspectives, it is unclear why the set quota cannot be materialized.</p> <p>The Finnish authorities prefer to receive refugees from the same regions and with similar backgrounds because it aims at coherence in the geographical and ethnic origin of the selected refugees. The Finnish authorities consider this a necessity since the organisation of municipal services for a large number of different cultural and language groups would be extremely challenging especially in smaller municipalities. Certain coherence in the composition of the refugee groups is considered to be also to the benefit of the refugees themselves.</p> <p>It may be also be linked to the reluctance of the municipalities to resettle refugees and to the reason that they do not get enough compensation from the state for the integration services they provide. The municipalities may also refuse to resettle refugees with special needs (medical or other) on the grounds that they are unable to provide for the adequate services due to a lack of resources. There have also been complaints from resettling municipalities that the information provided by UNHCR on submitted cases with special needs has been insufficient and, at times, not updated. This can lead to the expectations of refugees and those of the receiving staff being very different. This in turn can negatively impact upon the integration process. Some municipalities may also feel uncomfortable in resettling refugees with a different skin color due to negative attitudes locally, both among the population and the policy makers. It is important to point out that the Finnish municipalities are extensively independent from the state and cannot be forced to resettle against their will. The decision to resettle is taken through a political process in the municipalities. Refugee issues tend therefore to be an extra sensitive topic ahead of municipal elections.</p> <p>Lengthy negotiations between government representatives and the municipalities are needed as a result of the municipalities' reluctance to contribute to resettlement. These negotiations take place before the needed resettlement places are allocated. When the bureaucratic process is prolonged, it results in unnecessary delays for the refugees' departures after selection, in some cases putting their health and life at risk. In some cases refugees have died before being able to travel to Finland. Other circumstances which may contribute to prolonging the departure include a shortage of resources at Finnish Embassies which prevent the issuing of travel documents, a shortage of staff at the UNHCR regional office, logistical problems and bureaucratic exit procedures in the country of departure.</p>
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<sup>18</sup> Data and information based on the qualitative and quantitative research done in the framework of this project

	<p>The government needs to secure the target (750 refugees) of the annual resettlement quota. It might be necessary to conduct an evaluation on the Finnish resettlement program and its different stages to find out the reasons for the backlog. Is it a lack of resources? Should the cooperation and coordination between the different stakeholders, both national and international, be improved? What other steps should be taken? While researching Finnish resettlement, positive reference was made time and time again to the Danish model for resettlement. Finland could learn much from this model. Denmark applies a three year quota. That would mean a quota of three years at 750 refugees per year (2250 persons) on the basis of the current Finnish quota. By introducing a three year quota, the yearly national and international bureaucratic decision making could be avoided and resources could thus be directed into planning, developing and implementing the scheme. The system would also save resources for planning and coordination for the UNHCR, as the organization would know the target allocations for Finland for the following three years.</p> <p>Another way to facilitate the selection process is to do more dossier based selection which is more cost effective and also time saving. The challenge for dossier selection is that the information provided should be precise and up to date so that the municipality of resettlement is able to organize adequate reception arrangements.</p> <p>Currently no cultural orientation is organized for refugees admitted for resettlement to Finland.</p> <p>According to the principle of two-way integration, refugees and the receiving community should both be prepared prior to the refugees' arrival. The cultural orientation should preferably be delivered in the refugees' native language. Resettling municipality staff and NGOs should be involved in the planning and implementation. Refugee children should be provided with their own cultural orientation. It is also important that the receiving municipality gets necessary and updated information about the resettled refugees' special needs in order to be well prepared for the reception. If accurate information is given to the refugees and to the municipality prior to arrival, this will reduce the gap in expectations between both parties.</p> <p>Additionally, in order to become orientated with what awaits them, it is also important to inform the refugees about travel arrangements.</p> <p>Furthermore, online information should be available and secured with a password. The online site should be interactive. Through this website refugees waiting to be resettled can ask questions of already resettled refugees. Through the site relevant information may be shared by refugees, NGO staff and volunteers. This online service is especially relevant for dossier cases that may not have had the benefit of pre-departure orientation.</p>
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<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p>Legal source</p> <p><a href="#">Aliens Act</a>, Chapter 6, Section 106</p>	<p>Refugee status is granted to persons who have been admitted to Finland under the refugee quota and have been issued with a residence permit on the basis of their refugee status. Finland relies upon the UNHCR's assessment of a person's status as a refugee. The refugee criteria are observed during interviews on selection trips but such interviews do not correspond to the full-length, first instance, asylum interviews conducted with asylum seekers in Finland.</p> <p>Refugee status is also granted to quota refugees' family members if they have been recognized as being mandate refugees by the UNHCR.</p> <p>Family members admitted to Finland through family reunification are granted refugee status if they have been issued with a residence permit on the basis of family ties.</p>
<p><b>Rights granted</b></p> <p>Legal source</p> <p>Lakikotoutumisen edistämisestä 30.12.2010/1386 (<a href="#">Act on the Advancement of Integration</a>)</p> <p>Section 9, 10, 11 and 12</p> <p><i>Residence</i></p> <p><i>Airport arrival</i></p> <p><i>Info upon arrival</i></p>	<p>The first Act on the Integration of Immigrants and Reception of Asylum Seekers entered into force in 1999. The reform Act on Integration entered into force 1st September 2011. The new Act regulates issues concerning integration and reception. It also increases governmental compensation for municipalities which receive refugees.</p> <p>Like other immigrants (including other refugees and beneficiaries of international protection), quota refugees are eligible for the usual integration measures under the Act. Unlike other beneficiaries of international protection, quota refugees are, however, granted with a municipality of residence directly upon arrival to Finland. Quota refugees' position is in this respect quite different than those refugees' who have arrived in Finland as asylum seekers. Quota refugees have a direct access to immigrants' benefits upon arrival to Finland, whereas other refugees and beneficiaries of international protection have in most cases stayed in temporary accommodation in reception centres while waiting for decision on their application. They have access to integration measures and benefits under this Act only after being issued with a residence permit and a municipality of residence.</p> <p>According to the Finnish Integration Act of 2011 all immigrants regardless of status are entitled to basic information about the Finnish society. Refugees and other immigrants once granted residence permit in Finland have the same social rights and duties as Finnish citizens. Normally the first residence permit is issued for one year but for resettled refugees the first residence permit is issued for a period for 4 years. After this initial four year period, permanent residence may be granted. Third country nationals have the right to vote in municipal elections if they have resided in Finland for 2 years.</p> <p>The refugees are received by the Red Cross upon arrival at Helsinki international airport. The reception is coordinated by Red Cross staff while mainly implemented by trained Red Cross volunteers.</p> <p>By municipal staff in the municipality of resettlement.</p>



<p><i>Preparing local community</i></p> <p><i>Developing integration program (housing, public assistance, legal issues, employment and education, child welfare, mental health and medical assistance, finance assistance and social integration)</i></p> <p><i>Cultural orientation</i></p> <p><i>Housing</i></p> <p><i>Employment assistance</i></p> <p><i>Language/Skills</i></p> <p><i>Counselling</i></p> <p><i>Family Reunification</i></p> <p><i>Training of local providers</i></p>	<p>Municipal staff and NGOs. The Finnish Red Cross has been very actively involved in advocacy both on national as local level.</p> <p>If it is deemed suitable, an individual integration plan is drawn up in cooperation with the municipality, the employment office and the immigrant. The integration period normally lasts 3 years, during which the participant is paid a so called integration allowance. After the integration period the refugees are entitled to the same benefits as Finnish citizens. The typical components of the integration plan are: language courses, employment policy actions, internships, training for working life, rehabilitation, vocational guidance and other similar/parallel activities. Parallel activities are organized by local and international NGOs, Community Based Refugee Organizations, language schools and associations etc.</p> <p>Cultural orientation forms part of the integration programme.</p> <p>Housing is provided by the municipalities that resettle refugees.</p> <p>Service provided by local employment office.</p> <p>Main component of the integration programme. Informal language training is also provided by the Finnish Red Cross e.g. in Finnish or Swedish language clubs organized by FRC volunteers.</p> <p>Provided by social/case workers in the municipality of resettlement and through health service providers.</p> <p>Family reunification is granted to Convention Refugees (resettled refugees have convention status in Finland) and people with subsidiary protection (including humanitarian protection). There are no maintenance requirements attached.</p> <p>Family reunion is granted with the following 'core' family members:</p> <ul style="list-style-type: none"> <li>• spouse/cohabitant/registered partner (including same sex)</li> <li>• unmarried minor children (aged under 18 years)</li> <li>• parents/guardians of an unaccompanied minor</li> </ul> <p>Other family members are eligible for reunification under certain conditions:</p> <ul style="list-style-type: none"> <li>• unmarried foster children are eligible for reunification IF there is evidence that the child's parents or guardians are missing or deceased and the relationship was established before the sponsor arrived in Finland</li> <li>• minor siblings of unaccompanied minor IF they lived together in their country of origin and their parents are missing or deceased and it is in their best interest</li> <li>• Other family members IF refusing reunion would be unreasonable because the family member is fully dependent on the sponsor and they intend to continue their close family life in Finland. In such cases, dependency must be physical and emotional, as well as financial.</li> </ul> <p>The Finnish government pays the travel costs for the family members of resettled refugees.</p> <p>Training falls within the competence of the relevant ministries: Ministry of the Interior, Ministry of Employment and the Economy and the Finnish Immigration Services in cooperation with the Centre for Economic Development, Transport and the Environment (The Centres for Economic Development, Transport and the Environment manage the regional implementation and development tasks of the state administration). Ministry of Social Affairs and Health supervises the local governments' promotion of the welfare of their inhabitants and sustainable development.</p>
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<p><i>Mentoring</i></p> <p><i>Advice of Accessing Services</i></p> <p><i>Refugees contribution to integration</i></p> <p><i>Volunteer support</i></p>	<p>Training is also organized by NGOs and associations such as: the Finnish Refugee Council, the Family Federation of Finland, the Finnish Red Cross, and the Finnish Association for Mental Health.</p> <p>The Family Federation of Finland WOMENTO-project started in January 2011 aims to advance the integration of educated immigrant women into Finnish society through a mentoring system. The main focus is in facilitating the entry of immigrant women into social networks and working life through personal mentoring by a Finnish volunteer woman. WOMENTO is built on the mentoring concept of the KVINFO organization in Denmark. WOMENTO encompasses 18 mentor-mentee couples in the beginning of 2012. Funding: SITRA and Finland's Slot Machine Association RAY.</p> <p>Advice is provided by local authorities, on internet and by NGOs.</p> <p>Refugees' CBOs need much reinforcement when providing integration support services. Refugees' CBOs can be either paid service providers or act on a voluntary basis. There are several models for voluntary participation. Voluntary actions may also lead to job opportunities. Since many refugee communities have lived long enough in Finland, and integrated well, it is a good moment to involve them in the reception and integration of newcomers.</p> <p>Volunteer support is provided by different NGOs and associations. An example is the Family Federation of Finland. That organisation has implemented a 3-year project called 'Vertaistukea Pakolaisille' (Peer Support for Refugees) of which the objective was to promote integration both individual and family based for refugees and persons granted international protection. The project created a peer support model for first phase reception which may be used as a component in the municipalities' integration programme and also implemented in refugees' CBOs. The objective of the 'OVI-project' (DOOR-project) of the Finnish Association for Mental Health was to strengthen the operational qualifications of the participating refugees CBO project partners and their know-how of mental health issues.</p> <p>The Finnish Red Cross carried out a one-year (2011) pilot project called 'Red Cross Volunteers Role in the Reception of Refugees for Resettlement' in which the volunteers' capacity to provide support on local level to newly arrived refugees was strengthened through intensified cooperation and support from the staff of the FRC HQ's Refugee Team.</p>
<p><b>Comments</b></p>	<p>The framework for the Finnish Integration Act is based on the idea that integration is a comprehensive, two-way process which involves learning and adaptability both on the part of the immigrants and also the local population. Finnish experts on integration have nevertheless expressed worries that the gap between objectives and implementation of the Act, adopted in 2009, may widen due to the fact that it targets all immigrants. This includes those who arrived in Finland for work and through marriage if they are in need of integration support. The policy is comprehensive and stresses equality and thus all services should be equally accessible for all immigrants regardless of their status. However, the objectives may be difficult to accomplish if, at the same time, the necessary financial resources are not allocated. This is especially true concerning language courses since language skills are crucial for successful integration. In particular, many small municipalities may have difficulties in implementing</p>

	<p>the law due to insufficient financial resources. This fact will put immigrants in unequal positions since the availability of services may depend on where the person resides and who is the service provider. The service provider is selected through a tender process. This may result in lost confidence towards the government's integration policy both by immigrants themselves and the local population. There is a danger that policy might be blamed for failures which are down to deficient implementation.</p> <p>Training for public sector staff on the local level is needed especially when a municipality is starting resettlement. The local actors need extensive training to improve, adapt and increase structures that are necessary to meet the challenges of a multicultural society. It is important that service providers adapt their services and practices so that the services meet the needs of the refugees, and work well also for refugees and other migrants.</p> <p>It is also important to allocate resources for awareness raising and advocacy at a local level.</p> <p>Close cooperation on local level between authorities, NGOs and refugees CBOs will bring additional resources and be of benefit to all parties and the refugees.</p>
<b>c) Costs and Funding</b>	
<p><b>Funding</b></p> <p>– <i>National Level</i></p> <p>Governments contribution to municipalities</p> <p>– <i>Local Level</i></p>	<p>Most of the costs involved in resettlement are shouldered by the municipalities that receive the quota refugees. The state covers some of the expenses accruing to the municipalities. There is no separate monitoring of expenses relating to quota refugees only (they are grouped together with other expenses relating to beneficiaries of international protection). An estimated calculation is that for the annual refugee quota of 750 persons the compensation to the municipalities is approximately €2.4 million per year. The compensation for quota refugees is paid during the first four years. For other beneficiaries of international protection, the compensation period is three years.</p> <p>The state covers certain specific expenses relating to the integration of quota refugees (e.g. interpretation expenses, certain medical costs). A fixed sum of 700 euro/person is directed to the so-called "initial mapping" of the immigrant's needs and skills.</p> <p>The contribution Finland currently receives from the European Refugee Fund is directed to the HAAPA project. The project grants a specific financial incentive to municipalities that receive emergency cases (approximately 100 persons in the annual refugee quota). The amount of the incentive is 50 % of the usual fixed compensation for refugees. The amount of this financial incentive paid to the municipalities in 2009-2011 was €76,596.<sup>19</sup></p> <p>The compensation paid to the municipalities from the state budget is in the form of 1) fixed compensation and 2) compensation of specific expenses accrued. These forms of compensation are paid to the receiving municipalities for all types of beneficiaries of international protection.</p> <p>The computational annual contribution of the government to municipalities for resettlement is 2,091€ for refugees over 7 years, and 6,845€ for children under 7 years.</p>

<sup>19</sup> Financial information obtained through email correspondence with Tiina Pesonen, Senior Advisor, Ministry of the Interior; Kari Kananen, Special Expert, Ministry of the Interior and Kristina Stenman, Immigration Director, Ministry of Employment and the Economy.

## KNOW RESET Country Profile: Finland

– <i>ERF</i>	For every quota refugee received, European Refugee Fund ERF pays Finland 4000 euros.
<b>Costs</b>	The travel expenses of the quota refugees to Finland are covered by a specific budget allocated to the Immigration Service. The estimated need is €915,000 per year. In 2011, the total sum came to €709,000. The expenses associated with these missions are taken from the budgets of the authorities participating to the trips. <sup>20</sup>
<b>Comments</b>	<p>Finland has a long-established and well-functioning tradition in the resettlement of refugees. Notwithstanding some recent changes in the political situation and a rise in xenophobia, there is a wide consensus on the continuation of refugee resettlement among all political groups. However, the capacity of the refugee quota is not likely to increase from the annual amount of 750 persons in the near future. This is mainly because the capacity of municipalities to receive quota refugees is very limited.</p> <p>A constant challenge for Finland is in even reaching the annual quota which it has set for itself.</p> <p>Finland is currently trying to address the issues which have prevented it from filling its quota in the past by increasing flexibility in its own procedures and in its cooperation with the UNHCR. The Government is also trying to create more incentives for the municipalities to receive refugees.</p>

<sup>20</sup> Email correspondence with Kari Kananen, Special Expert, Ministry of the Interior.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***France***

Report written by

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**and reviewed by the Know Reset team**

July, 2013

## Country Profile: FRANCE

France is traditionally a country of immigration. After the Second World War, it received a great number of both foreign workers and refugees.

The economic crisis of the early 1970's resulted in increasingly restrictive immigration policies. There was an attempt to 'stop' economic immigration, while simultaneously integrating immigrants and their families who were already present on the French territory. This meant that the only immigration flows that were allowed was with regard family members of immigrants for settlement purposes and refugees. This indirectly led to a higher rate of irregular immigration. Immigration subsequently became a key issue of any political debate with two main topics particularly attracting public opinion's attention: integration of immigrants and their offspring as well as irregular immigration. The rise of the right wing party *Front National* contributed to highlighting the most controversial aspects of the debate over immigration to France.

In the mid-2000s, public discourse slowly changed. The issue of the integration of so-called 'second generation' immigrants becoming increasingly sensitive (the December 2005 riots being its climax), the doctrine of 'chosen immigration' vs 'imposed immigration' emerged<sup>1</sup>. According to this doctrine instilled by former President Sarkozy, the socio-economic integration of 'second-generation' immigrants arrived through family immigration had been a failure, while France was not attracting enough professional immigration, seen as desirable in the context of worldwide competition to attract 'brains'. In other words, the intention to lower immigration flows on the basis of family immigration, while promoting professional immigration. In such a background, "bogus" asylum seekers supposedly abusing the asylum system were also under focus. This led to the signature of several international agreements with main countries of origin of immigrants to France. Such agreements intended to exchange labour immigration as well as development aid for more cooperation of countries of origin to support France's policy against irregular immigration.

The French immigration and asylum system is ruled by the Code on the Entry and Stay of Aliens and Asylum - *Code d'entrée et de séjour des étrangers et du droit d'asile* (CESEDA). Asylum is dealt with in Chapter VII of CESEDA (*Livre VII*) which was last modified by Law n°2011-672 of 16 June 2011 on immigration, integration and nationality.<sup>2</sup> Refugee resettlement is not provided for by the CESEDA.

France has participated in major multilateral resettlement operations during the second half of the XXth century, such as the resettlement of Hungarians in 1956, of Southern Asian boat people in the late 1970s and Kosovars in 1999.

France started a resettlement programme in February 2008 when the government adopted a framework agreement with the UNHCR. In June of the same year, France decided to engage in an *ad hoc* resettlement scheme for Iraqi refugees. While *Irak 500* was not a resettlement programme as such since half of the Iraqis came directly from Iraq, it was dealt with by the same stakeholders and in the same circumstances as a resettlement programme. The Joint EU Call to resettle 10,000 refugees from Iraq, which was adopted by the Justice and Home Affairs Council on 27-28 November 2008, came under the French Presidency of the Council.

Nevertheless, the lack of interest of the French authorities for resettlement has been remarkable. French authorities are not actively participating in European and international meetings on resettlement, including ATRC (Annual Tripartite Consultations on Resettlement) in Geneva and the IOM-UNHCR-ICMC project on the promotion of practical cooperation; France stopped relocating refugees from Malta in 2011, and refused to resettle refugees stuck in the Choucha camp in Tunisia. Although the resettlement quota remains the same<sup>3</sup>, the rejection rate is extremely high. Besides, the asylum service of the Ministry of Internal Affairs did

<sup>1</sup> On the doctrine of 'chosen immigration', see Dominique Turpin, « La loi no. 2006-911 du 24 juillet 2006 relative à l'immigration et à l'intégration: choisir pour ne plus subir? » *Revue critique de droit international privé*, 2007, p. 1-34.

<sup>2</sup> NOR: IOCK1003689L, Official Journal of the French Republic n. 0139 of 17 June 2011, p. 10290.

<sup>3</sup> According to the framework agreement between France and UNHCR, France committed to assess a hundred files per year, corresponding to about 300 persons.

not convene the working group on resettlement<sup>4</sup> between May 2010 and February 2013, when the Ministry eventually brought its members together. A number of commitments were made on this occasion to improve the resettlement process and the reception of resettled persons.

Refugee rights' activists in France do not have a united position as to resettlement, which explains why only France Terre D'Asile (FTDA) and Forum Réfugiés are involved in the reception of resettled refugees. Several NGOs working for the promotion of immigrants' rights do not participate in such operations on the grounds that they would degrade refugee law<sup>5</sup> and might constitute a tool for 'externalising' France's immigration policy by creating a double process of refugee selection<sup>6</sup>.

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<sup>4</sup> This working group used to meet every three months to discuss about the difficulties and to find solutions. UNHCR, IOM, the French Office of Immigration and Integration, OFPRA, the Ministry of Foreign Affairs, France terre d'asile and Forum réfugiés were part of this group.

<sup>5</sup> See for instance, Gisti position on resettlement in a note published in November 2005 ([http://www.gisti.org/IMG/pdf/nt\\_reinstallation-des-refugies\\_2005\\_en.pdf](http://www.gisti.org/IMG/pdf/nt_reinstallation-des-refugies_2005_en.pdf)) further developed by Claire Rodier during a conference on resettlement organized by Forum réfugiés and CCME in December 2009.

<sup>6</sup> Interview of Matthieu Tardis with Claire Rodier. On the position of GISTI, see especially: La réinstallation des réfugiés, instrument européen de l'externalisation des procédures d'asile, Note de travail, November 2005, available at: [http://www.gisti.org/IMG/pdf/nt\\_reinstallation-des-refugies\\_2005.pdf](http://www.gisti.org/IMG/pdf/nt_reinstallation-des-refugies_2005.pdf)



Asylum Profile	
<u>Number of protection status granted</u> <sup>7</sup>	10,702 (2011) 10,340 (2010)
Number of asylum seekers <sup>8</sup>	40,464 (2011) 36,931 (2010)
Resettlement Scheme	Ad hoc and Programme-Based (since 2008)
Resettlement Quota	100 files/year
I. Legal and Administrative Framework	
<p><b>Asylum law / Aliens Act</b></p> <p><u>Code d'entrée et de séjour des étrangers et du droit d'asile</u> (CESEDA) created by <i>ordonnance</i> n°2004-1248 of 24 November 2004</p> <p>Last modified by: Law n° 2011-672 of 16 June 2011 on immigration, integration and nationality</p>	<p>Although there is no legal provision on resettlement, it is partially ruled by <i>Livre VII</i> on asylum, especially regarding reception, procedure and rights awarded after resettlement.</p> <p>OFPRA (Office for Protection of Refugees and Stateless Persons) is the only authority authorised to grant international protection and this can only be done in French territory.</p>
<p><b>Other basis of resettlement:</b></p> <p><u>Framework Agreement between the Government of the French Republic and the UNHCR</u>, signed in Paris on 4 February 2008</p>	<p>Article 5 – Refugee resettlement programme</p> <p>5.1 On the basis of the files presented by the UNHCR and transmitted to the French Representation to the United Nations in Geneva, the French Republic will examine the files of the refugees whose resettlement on the French territory is considered.</p> <p>5.2 The persons whose files will be presented to French authorities will have to fulfil eligibility criteria according to the strict mandate of the UNHCR and the French legislation relating to the determination of the refugee status.</p> <p>5.3 In the framework of strategic priorities of France, the UNHCR will present roughly one hundred files each year.</p>
<b>On-going or foreseeable project/reform</b>	No foreseeable project or reform.
II. Resettlement Policy and Related Involvements	
<p><b>a) <u>On an ad hoc basis</u></b></p> <p><i>Immigration directe</i> 1947-1948</p>	<p>Agreement (concluded in June 1947 and supplemented by another agreement of 13 January 1948) between the French government and the International Refugee Organisation (IRO) – Essentially based on working capacity of post-war European displaced refugees.</p>

<sup>7</sup> These figures include: Asylum seekers in their first requests, Appeals upon first request and accompanying minors.  
Report 2010: [http://www.ofpra.gouv.fr/documents/RA\\_2010\\_Ofpra.pdf](http://www.ofpra.gouv.fr/documents/RA_2010_Ofpra.pdf) - Relevant data: Annexes, from pp. 71-72.

<sup>8</sup> Ibid.



## KNOW RESET Country Profile: France

<ul style="list-style-type: none"> <li>- <i>Plan culture famille</i> 1948</li> <li>- 1956</li> <li>- 1974-1984</li> <li>- From April to July 1999</li> <li>- <i>Iraq 500</i>: From 2008</li> </ul>	<p>Two agreements of the 9th of August and the 16<sup>th</sup> of November 1948: About 1,000 Central European families resettled in French rural areas.</p> <p>Hungarian crisis – <i>prima facie</i> refugees: 12,690 Hungarian protesters against the Soviet invasion.</p> <p>Southern Asian ‘boat people’ were resettled in France on the basis of annual resettlement quotas. This led to the resettlement of approximately 107,500 Asian refugees in France</p> <p>About 8,000 Kosovar refugees.</p> <p>This operation was called <i>Iraq 500</i>, because it was originally conceived for the reception of about 500 Iraqi nationals. The refugees either directly came from Iraq or were Iraqi refugees from neighbouring countries (Syria and Jordan): 1,215 people were covered under this programme. Although it shares several characteristics with <i>stricto sensu</i> resettlement, <i>Iraq 500</i> was not originally conceived to become a resettlement operation. Indeed, about half of the people selected came directly from Iraq and, consequently, were not already qualified for refugee status.</p>
<p><b>b) On a programme basis</b></p> <p>Annual Programme 2008</p> <p>Annual Programme 2009</p> <p>Annual Programme 2010</p> <p>Annual Programme 2011<sup>9</sup></p>	<p>About a 100 files to be submitted by UNHCR</p> <p>About a 100 files</p> <p>About a 100 files</p> <p>About a 100 files</p>
<p><b>c) “Temporary Resettlement”:</b> <b>Humanitarian Evacuation</b></p>	<p>n/a</p>
<p><b>d) Through other Projects</b></p> <p>Governmental Level</p> <p>Non-Governmental Level</p>	<p>France did not participate in the activities of the UNHCR-IOM-ICMC project on practical cooperation although the asylum service signed a partnership declaration.</p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>In 2009, two former prisoners from Guantanamo were authorised to come and live in France: Lakhdar Boumedienne and Saber Lahmer. A third one, Nabil Hadjarab was turned down<sup>10</sup>.</p> <p>France implemented the EU relocation programme in 2009 and 2010. 190 beneficiaries of international protection arrived from Malta.</p> <p>In 2009, 95 refugees were relocated to France (77 adults + 18 children)<sup>11</sup>.</p> <p>The nationalities represented were<sup>12</sup>:</p> <p><u>Country of Origin</u>: Somalia (57), Eritrea (18), Sudan (8), Iraq (4), Ethiopia (3), Sri Lanka (3), Ivory Coast (2)</p>

<sup>9</sup> Ministry of Home Affairs, Interview of 3 April 2012

<sup>10</sup> <http://www.andyworthington.co.uk/2010/09/10/france-turns-down-guantanamo-prisoner-nabil-hadjarabs-appeal-for-asylum/>

<sup>11</sup> French Office for Immigration and Integration (‘OFII’) Activity Report, 2010, 8th Official Report, p. 122

<sup>12</sup> Rapport au Parlement, Les orientations de la Politique de l’immigration et de l’intégration, 6th Official Report drafted in accordance with Article L.111- 10 of CESEDA, December 2009, p. 144

	<p>In 2010, 95 refugees were relocated to France (73 adults + 22 children)<sup>13</sup>.</p> <p>The represented nationalities were<sup>14</sup>:</p> <p><u>Country of Origin</u>: Somalia (66), Eritrea (13), Sudan (11), Iraq (3), Liberia (1), Morocco (1)</p> <p>19,2% were women<sup>15</sup></p> <p>France stopped relocation in 2011.</p>
<h3>III. Resettlement Implementation</h3>	
<p><u>Refugees resettled</u><sup>16</sup></p> <p>2011</p> <p>2010</p> <p>2009</p>	<p>The annual programmes are not achieved during the civil year. Early 2012, all refugees selected under the 2010 programme were still not in France.</p> <p><u>Annual Programme 2011</u></p> <p>333 persons submitted by UNHCR (100 dossiers). Dossiers were still under determination.</p> <p><u>Annual Programme 2010</u></p> <p>150 refugees<sup>17</sup> selected out of 253 refugees (100 files submitted by UNHCR).</p> <p><u>Annual Programme 2009</u><sup>18</sup></p> <p>151 refugees selected out of 273 refugees (100 files submitted by UNHCR): 52% of files accepted</p> <p>32 files from Near East countries (61,5% of accepted files):</p> <p>76 refugees (26 files): Palestinian refugees</p> <p>8 refugees (4 files): Iraqis</p> <p>3 refugees (2 files): Iranians from Turkey</p> <p>17 files from African countries (33% of accepted files)</p> <p>Ethiopia (7 files): 23 refugees</p> <p>Rwanda (2 files): 8 refugees</p> <p>Democratic Republic of Congo (6 files): 11 refugees</p> <p>Burundi (1 file): 4 refugees</p> <p>Ivory Coast (1 file): 4 refugees</p> <p>2 files from Asia:</p> <p>Afghan refugees living in Iran (1 file): 6 refugees</p> <p>Chinese women refugees in Kyrgyzstan (1 file): 2 refugees</p> <p>1 file from Europe:</p> <p>Chechens living in Azerbaijan (1 file): 5 refugees</p>

<sup>13</sup> OFII Activity Report, 2010, op.cit., p. 123

<sup>14</sup> Ibid, p. 123

<sup>15</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA) Activity Report, 2010, p. 19

<sup>16</sup> Statistics published by the Ministry of Interior Affairs in December 2011, in Secrétariat général du comité interministériel de contrôle de l'immigration, rapport au parlement, les orientations de la politique de l'immigration et de l'intégration, décembre 2011, pp. 120-124. See also France terre d'asile, le bilan contrasté du programme de réinstallation français, la lettre de l'observatoire de l'asile et de l'intégration, n° 48, octobre 2011.

<sup>17</sup> Figures provided during a seminar organised by France terre d'asile in June 2011 about resettlement. For more information, please read, France terre d'asile, le bilan contrasté du programme de réinstallation français, la lettre de l'observatoire de l'asile et de l'intégration, n° 48, octobre 2011.

<sup>18</sup> OFII Activity Report, 2010, op.cit., p. 121

2008	<p><u>Annual Programme 2008</u><sup>19</sup></p> <p>239 refugees selected out of 347 refugees (99 files submitted by UNHCR): 64% of files accepted.</p> <p>On 20 November 2009, <b>211</b> people had reached France, the main nationalities represented being the following: Russia (<b>83</b> people), Palestine (<b>40</b> people), Iran (<b>24</b> people), Afghanistan (<b>14</b> people), Ethiopia (<b>12</b> people) and Sri Lanka (<b>10</b> people).<sup>20</sup></p>
2008 – 2011	<p><u>Ad hoc resettlement – Iraq 500 – From 2008</u></p> <p><b>1,094</b></p> <p>Initially set for 500 Iraqi refugees, the number of people supposed to benefit from resettlement to France has been set to 1,215 (in December 2008 France agreed to take in 200 Christians from Mossoul).<sup>21</sup></p>
2010	<p>Out of these 1,215 people, 1,064 are Christians and 135 are Muslims. On December 2010, <b>1,002</b> refugees had arrived in France: 502 from Iraq, 150 from Jordan, 297 from Syria, 34 from Lebanon, 14 from Turkey and 5 from Tunisia.</p> <p>In addition, following the attack on October 31, 2010 at the Church of Our Lady of Hi-Baghdad, it was decided to host the national territory of persons whose situations are all related to the attack: the wounded and their carers as well as those selected on the basis of criteria for family reunification. To date, <b>92</b> people have already been received as part of this operation.</p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p><u>Annual Programme</u></p> <p>UNHCR criteria and French legislation relating to the determination of refugee status</p> <p><u>Ad Hoc Programme - Iraq 500</u></p> <p>The prerequisite to their selection is that they had to belong to a religious minority (especially Christian) and have a link with France (either through family ties or knowledge of French by at least one family member). At the time of their selection, they had to reside either in Iraq or in a neighbouring country: Jordan, Syria, Lebanon or Turkey.</p>

<sup>19</sup> Rapport au Parlement, Les orientations de la Politique de l'immigration et de l'intégration, 8th Official Report drafted in accordance with Article L.111- 10 of CESEDA, December 2011, p. 121

<sup>20</sup> La réinstallation des réfugiés, Etat des lieux 2009 (Forum réfugiés), pp. 106-108

<sup>21</sup> OFII Activity Report, 2010, op.cit., p. 122

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>n/a</p> <p>The asylum service of the Ministry on Interior Affairs. The asylum service can ask for an opinion from the Ministry of Foreign Affairs and/or OFPRA. The French Ministry now has a person in place dedicated to resettlement.</p> <p><u>Annual Programme</u></p> <p>According to the framework agreement, UNHCR and the French authorities have a bilateral meeting every year to discuss opinions on UNHCR and governmental activities. The asylum service of the Ministry of Internal Affairs is taking the decision on the cases. The Ministry of Foreign Affairs and OFPRA are possibly consulted for advice by the asylum service. There is no collaboration with regional and local authorities when it comes to the decision. Every year, the asylum service is sending French priorities to the UNHCR. NGOs and other stakeholders are not officially informed of the priorities.</p> <p>The framework agreement signed in February 2008 set up the annual quota for France. According to Article 5, the UNHCR submits a hundred cases every year. The rate of rejected dossiers submitted by the UNHCR to France in the framework of the annual programme is very high. France refuses around one file out of two. Motives are unclear, security concerns have been evoked.</p> <p><u>Ad Hoc Programme - Iraq 500</u></p> <p>The terms of the arrival of Iraqis in France have been set out in a Convention between the French Office for Immigration and Integration (OFII) and the IOM signed on 4 June 2008.<sup>22</sup> An administrative note (<i>circulaire</i>) was issued on 10 June 2008<sup>23</sup> on the reception of Iraqi refugees in France.</p> <p>According to this note two hypotheses were considered:</p> <ul style="list-style-type: none"> <li>– Resettlement could take place either upon the recommendation of the UNHCR, following a procedure much similar to the one provided for under the 2008 Framework Agreement.</li> <li>– Resettlement could also take place following a special procedure according to which the <i>Association d'Entraide aux Minorités d'Orient</i> (created in January 2008) was in charge of recommending files to the French authority. This latter procedure specified that refugees whose files were accepted would be granted a short stay visa (<i>Visa 'C'</i>) and would have the option to either apply for asylum at the OFPRA or to be delivered a one-year residence permit (<i>'vie privée et familiale'</i>).</li> <li>– Finally, some files were spontaneously sent by some Iraqi family members already living in France.<sup>24</sup></li> </ul> <p>Following their submission, all resettlement files were sent to the Ministry of Home Affairs, which carried out some safety checks on the persons whose files are under examination. If the files were selected, the asylum direction of the Ministry of Home Affairs subsequently gave its instruction to deliver visas to those whose files were chosen.<sup>25</sup></p>
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<sup>22</sup> Ibid.

<sup>23</sup> NOR/IMI/A/08/00028/C

<sup>24</sup> Quel avenir pour les réfugiés irakiens en France ? – op.cit., p. 21

<sup>25</sup> Ibid, p. 21-22.

<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents<sup>26</sup></li> <li>• Medical screening<sup>27</sup></li> </ul>	<p>Under OFII request, IOM can provide CO sessions for groups of 14 people being resettled to France on the topics listed here: the trip to France; administrative procedures upon arrival in France, reception condition (accommodation, rights, access to healthcare, education), integration in France (finding a job, learning French), life in France. This has never happened except for Iraqis and E U relocations. Since December 2008, half a day session of CO was organised before departure to prepare the beneficiaries for life in France. In April 2009, around ten such sessions were given in Damascus and Amman for a minimum of ten people. When such activities cannot be organised (for safety reasons like in Iraq), the IOM distributed an information package, of which the Information Leaflet for People Resettled in France.<sup>28</sup></p> <p>An information leaflet for persons being resettled to France has been conceived by Forum Réfugiés. Yet, it has not been systematically distributed to beneficiaries before departure. A new edition of the leaflet has been on the agenda of the Asylum Service for 2 years. It is currently preparing a leaflet presenting what refugees can expect when they arrive in France (accommodation, assistance, etc).</p> <p>Through its network of offices, IOM facilitate logistical arrangements (temporary accommodation, booking, ticketing, transportation to the airport, etc.) if so requested by OFII.</p> <p>In coordination with UNHCR and local partners, IOM collects from the competent authorities the required travel documents (exit permits, grants of asylum and/or the entry visas for France) and verifies the authenticity of the identity particulars of the persons concerned. To rule out any dishonesty, the travel documents are delivered to the interested parties at the time of departure – generally at the international airport – after a final identity check has been made.</p> <p>IOM staff assists the persons during immigration and customs procedures and helps them with boarding. It can also provide special assistance (medical or non-medical assistance, help with clothing).</p> <p>At the request of OFII, IOM may furnish the following:</p> <ul style="list-style-type: none"> <li>– any relevant and useful information regarding the health situation in the area of departure, including recommendations as to any vaccinations that are needed before departure;</li> <li>– a health assessment of the persons concerned, including a medical history registration form and a physical examination, as well as clinical examinations (e.g. X-rays and blood tests);</li> <li>– pre-departure vaccination and/or treatment of the beneficiaries for infections such as malaria and intestinal parasites.</li> </ul> <p>OFII and IOM jointly assess the health of the persons to be resettled to France and any treatment that may be needed (including required vaccinations). The stipulated and accepted requirements as well as their cost will be set out in writing.</p>
<p><b>Procedure Timing</b></p>	<p>n/a</p>

<sup>26</sup> Information provided by IOM.

<sup>27</sup> Ibid.

<sup>28</sup> <http://www.iom.int/france/pdf/Livret%20reinstallation%20fr.pdf>

<p><b>Comments</b></p>	<p>Recommendations:</p> <ul style="list-style-type: none"> <li>- Refugees should be better informed of the reception conditions and life in France as to lower down unrealistic expectations. The information leaflet has to be improved, particularly on housing and employment issues. A video tool might be a better tool for dissemination of information.</li> </ul> <p>Distributing a leaflet and a one-day CO have proven not to be enough. Refugees waiting for transfer to France could easily benefit the integration training system put in place for applicants for family reunification. France currently offers basic French classes and information about republican principles in more than 30 countries. This training usually takes place in the premises of the Alliance Française or by OFII representations abroad. They could easily be of benefit to resettled refugees without causing high costs.</p> <ul style="list-style-type: none"> <li>- The selection procedure is not appropriate for the following reasons: <ul style="list-style-type: none"> <li>– The procedure is too lengthy. The asylum service is under resourced and the Ministry of Foreign Affairs consultation delays the decision.</li> <li>– The rejection rate is too high. The number of selected refugees could be higher.</li> <li>– If the means are available and notwithstanding emergency cases, French authorities could conduct selection missions in the countries of first asylum. The selection missions should include a representative of OFPRA in order to fasten the administrative process in France and, eventually a representative of NGOs that will be in charge of reception and integration. If no selection mission is organised, OFPRA should be involved in the selection process in order to avoid conducting the asylum phase in France.</li> </ul> </li> </ul>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p>Administrative instruction (circulaire) of 10 June 2008<sup>29</sup></p>	<p>- <u>Iraq 500</u></p> <p>The procedure for the reception of Iraqis has been settled in an inter-ministerial meeting on the 23<sup>rd</sup> of November 2007. It has been decided that the selected Iraqis will not automatically be granted refugee status, but immigration status. However, this did not prevent them from requesting such status at their arrival in France under the common procedure.</p> <p>Initially, some selected Iraqis received a “visa D”, long-term visa granted in the case of protection transfers (when the UNHCR under a strict mandate recognises individually a refugee). Other received a “visa C” short term visa granted in the case of asylum seeking. Following the visit of an official from the French Ministry of Immigration (now the Ministry of Home Affairs) to the UNCHR offices in Jordan and Syria, it was found out that those Iraqis arriving with a “visa D” did not benefit from protection under the UNHCR’s strict mandate, but were granted such protection <i>prima facie</i>. Since, France does not recognise <i>prima facie</i> protection, it was decided that all Iraqis would first be granted a “visa C” and once they arrived they would lodge a request to be recognised as refugees by OFPRA. Those recognised as refugees would be given the ten-year residence permit, while others would be given subsidiary protection and accordingly, were delivered a one-year residences permit. As for those who were recognised as neither</p>

<sup>29</sup> NOR/IMI/A/08/00028/C



<p><a href="#">CESEDA</a></p>	<p>refugees nor beneficiaries of subsidiary protection, they would be given an ordinary one-year residence permit, for the reason of the obligations France holds towards them.<sup>30</sup></p> <p>- <u>Annual Programme</u></p> <p>Refugees arriving under the procedure of the Annual Programme are bound to be granted refugee status.</p> <p>Before their arrival, they are granted a so-called ‘<i>Visa D</i>’ long-term visa.</p> <p>Upon their arrival, they are delivered a six month temporary leave to remain (<i>récépissé</i>), giving them right to work and other related social rights such as the Active Solidarity Income (RSA)<sup>31</sup> (Article L262-4 2° a of <i>Code de l’action sociale et des familles</i>). Besides, they receive financial support while waiting for the OFPRA decision just as other asylum seekers<sup>32</sup>. Their being granted such benefits depends on their being hosted in specific housing facilities for asylum seekers (CADA)<sup>33</sup>. Moreover, they receive global medical coverage<sup>34</sup>.</p> <p>They have to file an application to be granted the refugee status with the OFPRA within 21 days after their arrival, just as other asylum seekers.</p> <p>They are interviewed.</p> <p>Although they follow the same procedure, resettled refugees are automatically granted refugee status. The process to be granted asylum can last several months.<sup>35</sup></p>
<p><b>Rights granted</b></p> <p>Legal basis</p> <p><a href="#">CESEDA</a></p> <p><i>Residence</i></p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p>	<p>Resettled refugees are granted a permanent residence permit (ten year residence permit).</p> <p>The OIM meets the beneficiaries at the international area of the airport and accompanies them to the exit and/or to the TGV station if the final destination is not Paris. The OIM also organizes the local transport to the designed reception centre for groups of more than 10 persons.</p> <p>If resettled refugees arrive at an airport in Paris, they are received by FTDA staff that are responsible for transportation to the transit centre in Créteil, located in the Paris region, and managed by FTDA. Some of them might be redirected to the transit centre of Villeurbanne (Lyon region), managed by Forum Réfugiés.</p> <p>If resettled persons have to be transferred to the transit centre in Villeurbanne (Lyon region), refugees are escorted to “Gare de Lyon” train station in Paris and they are taken care of by the staff of Forum Réfugiés on their arrival at the station in Lyon.</p> <p>Nothing is foreseen in this respect. However, staff of the transit centre in Créteil informs refugees about the procedure and their rights and duties.</p>

<sup>30</sup> Interview with Matthieu Tardis, 2012. For full details, read *Quel avenir pour les réfugiés irakiens en France ? – Une analyse des perspectives d’intégration des bénéficiaires de l’opération spéciale d’accueil*, Une étude de l’Observatoire de l’intégration des réfugiés, France Terre d’Asile, February 2010, pp. 22-23.

<sup>31</sup> *Revenu de solidarité active*

<sup>32</sup> *Allocation Temporaire d’Attente* (see Article L5423-8 1° of Code du Travail) and *Allocation mensuelle de subsistance* (see Article R.348-4 II of Code de l’Action Sociale et des Familles)

<sup>33</sup> *Centre d’accueil pour demandeurs d’asile*

<sup>34</sup> *Couverture maladie universelle*, article L 380-1, 3° of Code de la Sécurité Sociale

<sup>35</sup> Interview with Matthieu Tardis, op.cit.

<i>Preparing local community</i>	n/a
<i>Developing Integration Programme (Housing, health, education)</i>	<p>Resettled refugees are entitled to the same rights as nationals except electoral rights and access to employment in the civil service. More particularly, they are entitled to social rights such as a minimum subsistence income (RSA), free health care (CMU) and access to social housing. Moreover, like any other newcomers, resettled refugees have access to the reception and integration contract (CAI), managed by OFII, that offers civic training, assessment of the professional qualifications and language classes. They are benefiting from social and legal assistance in the reception centres.</p> <p>Resettled refugees can benefit from integration projects run by NGOs and are assisted for about one year. Three specific projects are put in place for resettled refugees with the support of ERF.</p>
<i>Cultural orientation</i>	Resettled refugees have access to a civic training delivered in the framework of CAI.
<i>Counselling</i>	<p>Counselling is generally provided by NGOs managing reception centres and integration projects.</p> <p>However, refugees have access to all social services in the same conditions as nationals.</p>
<i>Language/Skills training</i>	<p>Resettled refugees have access to French classes (up to 400h) delivered in the framework of CAI.</p> <p>French classes are usually provided in reception centres on a voluntary basis.</p>
<i>Employment</i>	<p>Resettled refugees have access to a skill assessment delivered in the framework of CAI.</p> <p>Reception centres, social workers and specific integration projects provide workshop and assistance on employment.</p>
<i>Family Reunification</i>	Refugees have the right to family reunification in the same conditions as nationals provided the family links can be established.
<i>Advice of Accessing Services</i>	Resettled refugees have access to training on social services delivered in the framework of CAI.
<i>Mentoring</i>	No
<i>Training of local service providers</i>	No
<i>Volunteer support</i>	No
<i>Housing</i>	<p>Resettled refugees are first accommodated in the Créteil transit centre run by FTDA or in Villeurbanne transit centre run by Forum Réfugiés.</p> <p>Since September 2011, after a few days in transit centre, resettled refugees should benefit from direct placement in an apartment for a year.</p> <p>As a result of the lack of social housing available in France, FTDA, Forum Réfugiés and Adoma offer housing solutions for resettled refugees.</p> <p>For instance, FTDA's network for the integration of resettled refugees can offer 80 places for a year in the Paris area and in Niort (Deux-Sèvres). Social workers offer individual administrative and social assistance, including workshops on housing and employment. The project is funded by the ERF and the Ministry of Interior Affairs.</p>



	<p>NGOs are asked to send their foreseen housing availabilities to OFII who informs the asylum service who then asks the Foreign Affairs to deliver the visa to selected refugees in the country of first asylum.</p>
<b>Comments</b>	<p>Recommendations for a better resettlement programme are the following:</p> <ul style="list-style-type: none"> <li>– Transfer of information to organisations in charge of the reception of refugees: providing early information about the profiles of resettled refugees to the stakeholders involved in the reception and assistance is necessary to forestall needs, particularly medical needs and to offer better services. This would allow the process to begin for gaining access to social rights and to find a more permanent accommodation.</li> <li>– Specific reception conditions: accommodation in reception centres for asylum seekers and the successive housing solutions have proven not to be a relevant option for resettled refugees. Direct placement in housing that lasts longer such as the project run by the FTDA should be prioritised.</li> <li>– Social assistance tailored to the specific needs of resettled refugees: resettled refugees have specific needs related to their living conditions in the first country of asylum and they have to face a quick paced integration process in France. Social assistance should take these needs into consideration and seek for the empowerment of refugees.</li> <li>– Quick access to the reception and integration contract: access to the integration programme is postponed until formal recognition of the refugee status by OFPRA. It could be easily offered to sign this contract and the trainings as soon as the refugees arrive in France. This has already been done in the framework of the EU relocation scheme.</li> <li>– More involvement of local authorities can better foster integration in the local community.</li> <li>– Evaluation of the outcome of resettlement by a qualitative survey of the integration of refugees.</li> <li>– Strengthening the cooperation among national stakeholders: the working group meetings should convene regularly.</li> <li>– France should increase its participation in the European and international dialogue on resettlement. For instance, French authorities should be more active in practical cooperation in Europe.</li> </ul> <p>It is to be noted that French authorities made a number of commitments during the Working Group on Resettlement which was convened by in February 2013, such as the following:</p> <ul style="list-style-type: none"> <li>– Resettled refugees will be able to have access to the integration programme without having to wait for the refugee status. They will be able to sign the reception and integration contract upon arrival.</li> <li>– OFPRA will not systematically interview the refugees before granting refugee status.</li> </ul> <p>There are now other stakeholders, in addition to FTDA, Forum Réfugiés and Adoma, which provide places to resettled refugees (e.g. in Besançon and Pau).</p>

c) Costs and Funding	
<p><b>Funding</b></p> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>ERF</i></li> </ul>	<p>France is already applying for the dedicated funds available under the ERF<sup>36</sup>. However, there is no information on how this money is used bearing in mind that vulnerable refugees do not benefit extra-services. The integration projects mentioned above could not exist without the financial support of the ERF (national actions).</p> <p>The authorities are co-financing with the ERF the reception and integration projects run by FTDA, Forum réfugiés and Adoma.</p> <ul style="list-style-type: none"> <li>– Projected contribution 2009: 680, 000 euros (4,000 euros per person for 170 persons)<sup>37</sup></li> <li>– Projected contribution 2010: 272, 000 euros (4,000 euros per persons for 68 persons)<sup>38</sup></li> </ul>
<p><b>Costs</b></p>	<p>n/a</p>
<p><b>Comments</b></p>	<p>There does not seem to be any political willingness to further increase resettlement capacity in France for the time being. An important reason for this reluctance consists in the high number of asylum seekers and refugees in France. According to France's official position, the Annual Programme was created to honour France's tradition of receiving refugees. Although this creation substantially improved the previous situation making it more predictable, such a programme remains limited in its scope and still does not match current resettlement needs worldwide.<sup>39</sup></p> <p>France's involvement in resettlement remains quite low in comparison to other EU Member States.</p>

<sup>36</sup> Moreover, 90 % of the EU relocation programme was funded by ERF.

<sup>37</sup> ERF Annual Programme 2009 (France) pp. 11-14

<sup>38</sup> ERF Annual Programme 2010 (France) p. 17-19

<sup>39</sup> Ministry of Home Affairs, Interview of 3 April 2012.

# **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

## ***KNOW RESET – Country Profile***

### ***Germany***

Report written by

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### Country Profile: GERMANY

Following the Second World War, the right to asylum was established in the Constitution from 1949. The number of applicants was low until 1968. Most applicants were refugees from the Eastern Bloc and were granted refugee status.

After deciding in 1973 to end the recruitment of foreign workers, Germany received 3 million new immigrants, most of them ethnic Germans from Eastern Europe, Turkey and Italy. At that time German society considered its immigrants to be temporary by hoping that they would leave the country once their labour was no longer needed. Recruitment stopped in 1973, but immigration did not stop. However, the nature of the immigration did change<sup>1</sup>. The foreign workers, mainly from Turkey and Italy, did not go back to their home countries, but brought their families to Germany with the intention of remaining in Germany. Integration problems arose and became clearer with economic recessions. The so called *Gastarbeiter* and their families had mainly come from less educated and qualified social backgrounds and had limited German language skills.

A new period began in the late 1980s, when immigration again increased rapidly. Apart from on-going family reunifications, the number of ethnic Germans coming from Eastern Europe rose sharply after 1989 as did the number of asylum seekers<sup>2</sup>. In spite of numerous legislative changes in asylum procedure during the previous ten years, all of which attempted to expedite asylum procedures in cases of manifestly unfounded or abusive asylum claims, the number of asylum seekers continued to climb and reached 440,000 in 1992. Moreover Germany received approximately 100,000 de facto refugees from the former Yugoslavia. Germany admitted almost 70 per cent of all asylum seekers registered in the European Community in 1992<sup>3</sup>.

So, as highlighted above, before 1993, the German Constitution guaranteed an absolute right to asylum. Faced with mounting immigration pressures, the major political parties of Germany reached a compromise in December 1992. The compromise set out that the Constitution would maintain the individual right to asylum but that an Amendment would restrict manifestly unfounded asylum applications and asylum seekers entering from safe third countries. The amendment of the German Constitution marked a change in German asylum policy. The change has been highly successful in stemming the burgeoning immigration into Germany. From 1993 onwards it was impossible for an immigrant to obtain asylum if he entered from a country of origin that was considered to be "safe".

The large number of asylum seekers decreased rapidly after the constitutional and legal reforms of 1993. Reform of the asylum regime was undertaken in an environment characterised by frustration about the economic burden of reunification and a very high level of unemployment.<sup>4</sup> Since then discussions about asylum have decreased in importance but at the same time a general debate on immigration started. Recognising the necessity of immigration for economic reasons due to changes in demography and after much wrangling with the opposition, the German government drew up a new immigration law. That law came into force on the 1<sup>st</sup> of January 2005.

The new immigration law, focused on defining immigration, the integration of aliens in Germany and refugee protection. The new law potentially widens the scope of refugee protection by recognizing that victims of non-state and gender specific persecution fall within the protection scope of the Geneva Convention 1951. The latter and other important changes were considered as important developments<sup>5</sup>.

After a decline in the numbers of asylum seekers from 1995 until a resurgence in 2008, Germany has continually reduced the number of people granted entry into the country.

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<sup>1</sup> Johannes von Stritzky, (2009), 'Germany's immigration policy: from Refusal to Reluctance', *ARI* 93/2009, 3/06/2009.

<sup>2</sup> Ibid.

<sup>3</sup> Kay Hailbronner, (1994), 'Asylum law reform in the German Constitution', *American University International Law Review* 9, no. 4, pp.159-179.

<sup>4</sup> Johannes von Stritzky, (2009), op.cit.

<sup>5</sup> UNHCR (2004), New German Immigration law includes advances in refugee protection, 12 July 2004. <http://www.unhcr.org/40f2bb884.html>

In 2012, Germany saw a rapid increase in the number of asylum applications. The biggest number of those hoping to enter the country came from Serbia, Afghanistan, Syria and Iraq.

After observing an extreme rise in the number of the asylum seekers from Serbia and Macedonia in September 2012, Germany's interior minister called for tighter rules for processing the applications.

Despite this large increase, the 2012 numbers are still much lower than in 1990s, when Germany had more than 100,000 asylum seekers per year.

The important ruling by the European Court of Human Rights in the case *M.S.S. v Belgium & Greece* also impacted upon German legislation on asylum seekers in Germany. Their situation is now examined in light of this ruling. On January 2011, the Federal Ministry of the Interior ordered that transfers of asylum seekers to Greece under the Dublin II Regulation be suspended for one year. In November, the suspension was prolonged until 12 January 2013.

As far as resettlement is concerned, Germany has practiced ad hoc resettlement for many years without ever committing to an official annual quota for resettlement.

In November 2008, the Ministers of the Interior (Ministers on the national and federal states level) decided to resettle 2,500 Iraqi refugees – 2,000 from Syria and 500 from Jordan. This came in anticipation to the European Council's conclusions in 2008 that encouraged EU member states to resettle 10,000 refugees from Iraq. In addition to UNHCR selection criteria, the admission order by the German Ministry of the Interior put a focus on persecuted minorities (Iraqi Christians) and introduced the following extra categories: 'ability to integrate' (indicators: level of education, professional experience, language skills), preserving the unity of the family, family or other ties to Germany that can facilitate integration, and the level of protection need. Germany also resettled 50 Iranians from Turkey in 2010.

In December 2011 the Ministers of the Interior decided to adopt a permanent resettlement programme for the next three years, resettling 300 refugees per year starting in 2012. In response to the UNHCR's and the EU's initiative calling, priority was given to refugees of Sub-Saharan origin (mainly Somalis) who had fled from Libya to the Shousha refugee camp in Tunisia, and 100 refugees to be selected from Iraqis that fled to Turkey. The German Federal Office for Migration and Refugees (BAMF) ultimately accepted 200 refugees for resettlement, out of 246 applications. In September 2012, 195 refugees were resettled in Germany after spending more than 18 months in the Shousha camp. In October 2012, 105 Iraqi refugees arrived in Hanover as part of the resettlement programme. They were resettled from Turkey. These represented a second group after September's arrivals and were part of the 900 vulnerable refugees that are to be resettled by 2014.

The adoption of a permanent resettlement programme was an unexpected breakthrough after years of lobbying for a permanent resettlement programme by different stakeholders. The most important factors in leading the German government to rethink their position on a permanent resettlement programme were the mainly positive experiences of the ad hoc resettlement of Iraqi refugees in 2009/2010 on the local level, and the developments on the European level with the campaign for resettlement to Europe.

The capacities for increased resettlement numbers definitely exists in Germany. The extension of the resettlement programme solely depends upon the political will of the government. The general public has little or no knowledge about resettlement. However, public opinion concerning the admission of the Iraqi refugees was surprisingly positive even though general attitude towards refugees is not without its problems. NGOs and welfare associations stated that they could definitely support more refugees than the planned 300 per year. And on the local level, large numbers of volunteers – organised by the Save-Me campaign – offered their support for refugee resettlement. The media had also been reporting mainly in a positive way about the resettlement of Iraqis. All this would form a good basis for more resettlement in the future.

Since there is only the experience of ad hoc resettlement to refer to, and the future resettlement programme will draw on legislation and practices that were deployed for the ad hoc resettlement, this research focuses on the experience of resettling 2,500 Iraqi refugees in 2009/2010.

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>6</sup></p>	<p><b>9,675</b> (2011)</p> <ul style="list-style-type: none"> <li>• 6,446 Refugee Status Granted</li> <li>• 3,382 Other Protection</li> </ul> <p><b>10,395</b> (2010)</p> <ul style="list-style-type: none"> <li>• 7,061 Refugee Status Granted</li> <li>• 3,436 Other Protection</li> </ul>
<p><b>Number of asylum seekers</b><sup>7</sup></p>	<p><b>43,362</b> (2011)</p> <p><b>48,187</b> (2010)</p>
<p><b>Resettlement Scheme</b></p>	<p>Programme (Since <b>2012</b>)</p>
<p><b>Resettlement Quota</b><sup>8</sup></p>	<p><b>300/year</b> from 2012 to 2014</p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><u><a href="#">Asylverfahrensgesetz</a></u>, 01/07/1992 (Asylum Procedure Act), last amended in November 2011.</p> <p>Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (<u><a href="#">Aufenthaltsgesetz</a></u>), 01/05/2005 (Residence Act), last amended in December 2011.</p>	<p>Contains no specific provision on resettlement, but rules about the procedure of granting of asylum and about the recognition of a refugee as well as the legal status of the persons entitled to asylum.</p> <p>Sections 22 and 23 (2), adopted in the first version of the Residence Act in 2005, contains the <b>legal basis for resettlement</b>.</p> <p>Section 22 contains provision for admission from abroad.</p> <p>A further legal basis for the issuing of a residence or settlement permit is section 23 (2). It was applied in the case of Iraqi refugees, following the ruling of the Federal Ministry of the Interior of 5 December 2008.</p> <p>Upon receiving a residence permit, Section 44 (1) entitles those foreigners who reside in Germany to attend an integration course.</p>
<p><b>Other basis of resettlement:</b></p> <p>Information on the procedure of the resettlement of Iraqi nationals from Syria and Jordan in the first semester of 2009<sup>9</sup></p>	<p>This UNHCR document contains information on the eligibility and the procedure of the resettlement of 2,500 Iraqis in Germany.</p>

<sup>6</sup> [http://www.bamf.de/SharedDocs/Anlagen/EN/Downloads/Infothek/Statistik/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Downloads/Infothek/Statistik/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?__blob=publicationFile) (February 2012), p. 8

<sup>7</sup> [http://www.bamf.de/SharedDocs/Anlagen/EN/Downloads/Infothek/Statistik/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Downloads/Infothek/Statistik/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?__blob=publicationFile) (February 2012), p. 8.

<sup>8</sup> Source: Federal Office for Migration and Refugees.

<sup>9</sup> Informationen zum Ablauf des Aufnahmeverfahrens für irakische Staatsangehörige aus Syrien und Jordanien im ersten Halbjahr 2009, UNHCR Berlin, [http://www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/3\\_deutschland/3\\_2\\_unhcr\\_stellungnahmen/FR\\_GER-HCR\\_rst\\_IRQ\\_012009.pdf](http://www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/3_deutschland/3_2_unhcr_stellungnahmen/FR_GER-HCR_rst_IRQ_012009.pdf) (February 2012).

<p><u><a href="#">Ruling of the Federal Ministry of the Interior</a></u> pursuant to §23 (2) of the Residence Act, 5 December 2008</p> <p><u><a href="#">Decision on the launch of a permanent resettlement programme</a></u> and on admission of refugees from North Africa, December 2011</p>	<p>Decision on the reception of 2,500 Iraqi refugees from Syria and Jordan. In the ruling the Minister notes that the situation of the refugees in their countries of first asylum has worsened so that a common action at the international, European and national level is required. It defines the selection criteria and the distribution among the Länder according to the Königsteiner Key, a system of burden sharing among the Länder in several political fields.</p> <p>Decision adopted at the 193th session of the Permanent Conference of the Ministers and Senators of the Interior of the Länder (8-9 December 2011). It concerns the launch of a permanent resettlement programme and admission of 300 r efugees per year over the next three years (starting in 2012) from North Africa.</p> <p>As far as the resettlement of the Iranian refugees from Turkey is concerned, there was no specific ruling from the Federal Ministry as it was the case with the Iraqi refugees. The Iranians were resettled following individual decisions on the basis of the above mentioned Sections 22 and 23 (2) of the Residence Act. According to the BAMF, the Federal Ministry of the Interior has decided to resettle a f urther 25 Iranians pursuant to § 22 (2) of the Residence Act.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>The national legislation for the future resettlement programme will be the same as for the ad hoc resettlement of Iraqi refugees in 2009/2010, which does not provide a refugee protection status. This was criticized by all stakeholders interviewed for Know Reset, mainly because their legal status entails very strict conditions for family reunification. These factors would inhibit the integration of the refugees.</p>

## II. Resettlement Policy and Related Involvements

<p><b>a) <u>On an ad hoc basis</u></b></p> <p>1956<sup>10</sup></p> <p>From 1979 on<sup>11</sup></p> <p>From 1990 on<sup>12</sup></p> <p>From 1992 on<sup>13</sup></p> <p>1999<sup>14</sup></p> <p>2005<sup>15</sup></p>	<p><b>Approx. 13,000</b> <u>Country of origin:</u> Hungary</p> <p><b>Approx. 35,000</b> <u>Country of origin:</u> Vietnam</p> <p><b>Approx. 3,000</b> <u>Country of origin:</u> Albania</p> <p><b>Approx. 350,000</b> (acceptance and t emporary protection of just under 350,000) <u>Country of origin:</u> Bosnia</p> <p><b>Approx. 15,000</b> <u>Country of origin:</u> Kosovo</p> <p><b>14</b> <u>Country of origin:</u> Uzbekistan</p>
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<sup>10</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>11</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>12</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>13</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>14</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>15</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>



2009-2010 <sup>16</sup>	<p><b>2,501</b>  <u>Country of origin:</u> Iraq (<b>2,501</b>).  <u>Country of first asylum:</u> Jordan (<b>438</b>), Syria (<b>2,063</b>).  <u>Gender:</u> Male (<b>1,117</b>), Female (<b>1,384</b>).  <u>Age:</u> 0-15 (<b>879</b>), 16-21 (<b>339</b>), 21-40 (<b>608</b>), Over 40 (<b>675</b>).  <u>Religion:</u> Christian (<b>1,207</b>), Mandeian (<b>491</b>), Muslim (<b>798</b>), Yezidi (<b>5</b>).</p>
2010	<p><b>50</b>  <u>Country of origin:</u> Iran (<b>50</b>)  <u>Country of first asylum:</u> Turkey (<b>50</b>)</p>
<p><b>b) On a programme basis</b>  2011 Decision of Ministers of Interior</p>	<p>On the launch of a permanent resettlement programme for the next three years and on admission of refugees from North Africa. Based on this decision it was decided to resettle 300 refugees per year starting in 2012.</p>
<p><b>c) “Temporary Resettlement”: Humanitarian Evacuation</b></p>	<p>In March 2013, Germany has committed to receiving 5,000 Syrian refugees displaced by the violence in their country of origin. This goes in line with UNHCR plan for the humanitarian admission of 10,000 Syrian refugees while resettlement countries are also called to resettle 2,000 vulnerable persons on a more permanent basis.</p>
<p><b>d) Through other Projects</b>  Governmental Level  Non-Governmental Level</p>	<p>“Share” project: focus on integration on the local level with UNHCR, IOM, NGOs, BAMF  ERF project: “<a href="#">Linking-In EU-resettlement</a>” an awareness raising, fact-finding, information exchanging project.</p>
<p><b>e) “Resettlement-like” experience</b>  From Guantanamo  Intra-EU “Relocation”  2010</p>	<p>In September 2010 two prisoners from Guantanamo arrived in Germany. One came to Hamburg, the other one to Mainz.<sup>17</sup></p> <p><b>20</b> refugees from Malta in 2006<sup>18</sup>  <b>11</b> African refugees from Malta in 2009<sup>19</sup>  <b>102</b> African refugees from Malta, Project EUREMA 2010/2011<sup>20</sup>  <u>Country of origin:</u> Eritrea (<b>20</b>), Ethiopia (<b>2</b>), Sierra Leone (<b>3</b>), Somalia (<b>61</b>), Sudan (<b>16</b>).  <u>Country of first asylum:</u> Malta (<b>102</b>).  <b>153</b> African refugees from Malta in 2011/2012<sup>21</sup>  <u>Country of origin:</u> Eritrea (<b>71</b>), Ethiopia (<b>7</b>), Somalia (<b>72</b>), Sudan (<b>2</b>), Unknown (<b>1</b>).  <u>Country of first asylum:</u> Malta (<b>153</b>).  <u>Gender:</u> Male (<b>68</b>), Female (<b>83</b>), Unknown (<b>1</b>).  <u>Age:</u> 0-15 (<b>43</b>), 16-21 (<b>7</b>), 21-40 (<b>100</b>), over 40 (<b>2</b>).  <u>Religion:</u> Christian (<b>62</b>), Mandeian (<b>86</b>), Unknown (<b>4</b>).</p>

<sup>16</sup> Source: Federal Office for Migration and Refugees.

<sup>17</sup> <http://www.faz.net/aktuell/politik/inland/aufnahme-aus-humanitaeren-gruenden-guantanamo-haeftlinge-in-deutschland-eingetroffen-11038373.html> (February 2012).

<sup>18</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>19</sup> See the interview with the German Ministry of the Interior, 13 February 2012.

<sup>20</sup> Source: Federal Office for Migration and Refugees.

<sup>21</sup> *ibid.*



<b>Comments</b>	In April 2013, Germany also announced that it would resettle 100 refugees stranded in camp Hurriya near Baghdad in Iraq.
<b>III. Resettlement Implementation</b>	
<u>Refugees resettled</u>  2013   2012   2009-2010 <sup>22</sup>	<p><b>105</b>  <u>Country of origin:</u> Iraq  <u>Country of First Asylum:</u> Turkey</p> <p><b>200</b><sup>23</sup>  <u>Country of first asylum:</u> Tunisia</p> <p><b>2,501</b>  <u>Country of origin:</u> Iraq (<b>2,501</b>).  <u>Country of first asylum:</u> Jordan (<b>438</b>), Syria (<b>2,063</b>).  Gender: Male (<b>1,117</b>), Female (<b>1,384</b>).  Age: 0-15 (<b>879</b>), 16-21 (<b>339</b>), 21-40 (<b>608</b>), Over 40 (<b>675</b>).  Religion: Christian (<b>1,207</b>), Mandeian (<b>491</b>), Muslim (<b>798</b>), Yezidi (<b>5</b>).</p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b> <ul style="list-style-type: none"> <li>UNHCR Criteria</li> <li>Additional National Criteria</li> </ul>	<p>In addition to UNCHR selection criteria, the German Ministry of Interior put a focus on members of persecuted (religious) minorities, victims of violence, those with special medical needs and single women with children.</p> <p>Germany also applied other criteria such as capacity for integration.<sup>24</sup></p>

<sup>22</sup> Source: Federal Office for Migration and Refugees.

<sup>23</sup> <http://www.bamf.de/EN/DasBAMF/Aufgaben/HumanitaereAufnahme/humanitaereaufnahme.html>

<sup>24</sup> UNHCR document: „Informationen zum Ablauf des Aufnahmeverfahrens für irakische Staatsangehörige aus Syrien und Jordanien im ersten Halbjahr 2009“, [http://www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/3\\_deutschland/3\\_2\\_unhcr\\_stellungnahmen/FR\\_GER-HCR\\_rst\\_IRQ\\_012009.pdf](http://www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/3_deutschland/3_2_unhcr_stellungnahmen/FR_GER-HCR_rst_IRQ_012009.pdf) (February 2012); See also BAMF document: Evaluierung zur humanitären Aufnahme irakischer Flüchtlinge aus Syrien und Jordanien 2009/2010.

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>n/a</p> <p>UNHCR, BAMF</p> <p>UNHCR identified refugees, also with the support of local NGOs in Amman and Damascus.</p> <p>UNHCR prepared refugee dossiers and submitted them to BAMF to make a pre-selection.</p> <p>After pre-selection in Germany on the basis of UNHCR dossiers, selection interviews were carried out by BAMF on a selection mission in Syria and Jordan. Refugees were accepted for resettlement during selection missions.</p> <p>As far as the Iranian refugees are concerned, the Federal Ministry of the Interior decided individually for each case.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>None</p> <p>The German Foreign Office issued visas for the refugees.</p> <p>IOM</p>
<p><b>Procedure Timing</b></p>	<p>The resettlement took place in cooperation with the IOM. The time for the preparation of the resettlement was four weeks and the first refugees arrived in Germany in the middle of March 2009. They came by air to Hannover from where they were brought to the reception centre in Friedland.<sup>25</sup></p>
<p><b>Comments</b></p>	<p>The German decision to give priority to members of the Christian minority for resettlement provoked discussion in the countries of first asylum as well as in Germany. Also, the 'ability to integrate' category for selection has been criticised by different stakeholders. As resettlement is intended for the most vulnerable refugees, the humanitarian purpose should therefore have absolute priority.</p> <p><b>Pre-departure:</b> In individual cases, BAMF expected the refugees to return to Iraq to obtain their missing documents.</p> <p>Before embarking on the resettlement programme, hardly any information about Germany and what to expect was given to the refugees. Expectations among the Iraqis were often too high and unrealistic.</p> <p><b>Recommendations for pre-departure:</b></p> <ul style="list-style-type: none"> <li>• For the selection of refugees the category 'ability to integrate' or 'cultural proximity' should be dropped.</li> <li>• Before refugees enter the resettlement programme, information service has to be improved and should provide a more realistic picture of Germany and what refugees can expect there (cultural orientation).</li> </ul>

<sup>25</sup> <http://www.stadt-muenster.de/ratsinfo/00001/pdf/00280208.pdf> (February 2012); see also: Nele Allenberg, Die Aufnahme irakischer Flüchtlinge in Deutschland – ein erster Schritt hin zur Einrichtung eines Resettlementprogramms?, in: Asyl 4/09, p. 10.

b) Status and Rights – Post-Arrival phase	
<p><b>Status granted</b></p> <p><a href="#">Residence Act</a>, § 23 (2)</p>	<p>Resettled refugees do not get a refugee protection status.</p> <p>The legal status of resettled refugees is a three –year, extendable residence permit pursuant to § 23 (2) of the Residence Act.</p> <p>The Federal Office for migration and refugees can revoke refugee status after three years if the requirements for recognition are not fulfilled anymore. After seven years refugees may apply for German citizenship upon passing a citizenship test and providing proof of employment<sup>26</sup>.</p>
<p><b>Rights granted</b></p> <p>Legal source <a href="#">Residence Act</a> A residence title pursuant to § 23 (2) (such as the one that the Iraqi refugees were granted) entitles the refugee to benefits from the Social Code II which means:<sup>27</sup></p> <p><i>Residence</i></p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p> <p><i>Preparing local community</i></p> <p><i>Developing Integration Programme(Housing, health, education)</i></p>	<p>The temporary legal status of three years gives the refugee free access to an integration programme, social welfare assistance, education, employment and health care. If people are permanently unable to work they receive financial aid according to the Social Code XII. The amount corresponds to the Hartz IV amount but the funding is different.</p> <p>Iraqi and Iranian refugees were granted a residence permit for up to three years; it is possible to extend it for another three, then for another one year.</p> <p>After seven years a settlement permit can be granted.<sup>28</sup> Different from the residence permit, the settlement permit is a permanent residence title. Section 9 of the Residence Act specifies the preconditions for the granting of the settlement permit, of which one important criterion is that the foreigner has been in possession of the residence permit for at least 5 years.</p> <p>BAMF provided transport from the airport to the reception centre in Friedland. Medical cases that could not travel by bus were picked up by the German Red Cross and brought directly to hospital or to their final destination.</p> <p>In general, refugees stayed for a period of 2 weeks in Friedland, some stayed 3 months and attended language courses and gained further counselling before being distributed to the federal states (Länder).</p> <p>In Friedland, NGOs (German Red Cross, Diakonie and Caritas) held preliminary counselling and information sessions on integration into Germany, family reunification, status, distribution to the Länder and social welfare assistance. The German Red Cross offered a family tracing service.</p> <p>In some places there was a working group established especially for Iraqi refugees on the Länder and at a local level with all crucial stakeholders (local state authorities and NGOs) involved. Here, all relevant information was shared and it proved to be very efficient. However, this was more the exception than the rule. It also depended on the Länder and on how fast they would transfer information to the local level. Information on special needs, e.g. housing or medical needs, was not always communicated.</p> <p>Refugees were granted free access to integration programmes that include language and orientation courses and to integration services provided by welfare associations/NGOs for all migrants. In both, the following issue were addressed: housing, employment and education, child welfare, mental health and medical assistance, social integration.</p>

<sup>26</sup> ICMC (2009)

<sup>27</sup> Andrea Kothen (ProAsyl) 24/11/2009, document received by Sarah Hergenröther (Save-me-München).

<sup>28</sup> Nele Allenberg, Die Aufnahme irakischer Flüchtlinge in Deutschland – ein erster Schritt hin zur Einrichtung eines Resettlementprogramms?, in: Asyl 4/09, pp. 10-11.

<i>Cultural orientation</i>	Orientation courses - as part of the integration programme - also offered cultural orientation.
<i>Counselling</i>	Preliminary counselling was held in Friedland, and after distribution to the Länder counselling was again offered by welfare associations and NGOs as part of the regular integration services offered for all migrants with residence permission. The following questions were addressed: status, social welfare assistance, health care service, family reunification, language acquisition, housing, employment.
<i>Language/Skills training</i>	German lessons were offered in Friedland for those who stayed 3 months. Once distributed to the Länder, they were entitled to attend integration programmes that included German lessons. Welfare associations and NGOs helped to locate integration programmes.
<i>Employment</i>	Welfare organisations, NGOs and volunteers assisted refugees in finding employment, registering at employment agencies, and reviewing qualifications. Employment agencies assisted in trying to find employment.
<i>Family Reunification</i>	Resettled refugees do not get a refugee protection status. The conditions for family reunification are very strict: Livelihood has to be secured for the whole family without social welfare assistance, sufficient living space must be available, and the spouse has to have proven knowledge of the German language (§ 29 and § 5 (1) of the Residence Act).
<i>Advice of Accessing Services</i>	Given by welfare associations in Friedland and later on the local level by NGOs, volunteers (from the save-me network) and again welfare associations.
<i>Mentoring</i>	In some places, save-me volunteers were assigned to individual refugees for mentoring. They assisted with adaption and administrative processes. Again, this was more the exception than the rule.
<i>Training of local service providers</i>	No formal training
<i>Volunteer support</i>	Save-me is a network that tries to gain volunteer support on the local level for resettled refugees. The save-me groups are independent local groups that offer their help in finding housing, employment or childcare, etc. They are mainly in larger cities.
<i>Housing</i>	The Länder and municipalities organized the first accommodations. Some municipalities offered for the beginning again reception centres others already provided private accommodations. In some cases, save-me volunteers also assisted in finding private accommodations.
<i>Refugee contribution to integration</i>	In Berlin, the Iraqi cultural association 'El Rafedain' was officially incorporated into the integration process. Some save-me members were also Iraqi (refugees).
<b>Comments</b>	<p>In contrast to a refugee protection status, the status of resettled refugees includes strict conditions for family reunification, no UNHCR travelling pass, no permanent settlement permit and restricted permissible place of residence if the refugee is a recipient of social welfare assistance and long waiting periods until being given the opportunity to apply for a permanent residence status.</p> <p>Iraqi refugees were distributed to the Länder according to the 'Königssteiner Key' and within the Länder according to determined quota. At the beginning, distribution was on the basis of personal requirements and family reunification. Later on, as quotas were filled, refugees were obliged to go to Länder where they were separated from family members or members of their religious community. The legal status of resettled refugees restricts their place of residence, a subsequent move to other Länder was rarely possible. Problems also resulted in their being distributed to rural areas without infrastructure for integration, meaning no counselling centres, no integration courses, no educational offers and no contact to other Arabic speaking people.</p>

	<p>After leaving Friedland, some refugees were again accommodated in reception centres. This often caused disappointment. Interaction with other residents of the reception centre, especially with Iraqi asylum seekers with a different legal status, resulted in tension, which was a situation of considerable emotional strain for some refugees. There are still some refugees - mainly larger families - living in reception centres.</p> <p>In the first months, the necessity of a translator was inevitable. But authorities in general did not cover expenses for translation. Volunteers, especially native speakers, were overburdened by the great need of complex and time-consuming accompanying and counselling assistance.</p> <p>Problems occurred in cases when diseases or disabilities among the refugees were not known, or insufficiently known, prior to their arrival in the municipalities. In some cases, the reception facilities were therefore totally unprepared and had to undertake emergency care, which could have been avoided had there been enough information in advance.</p> <p>A special challenge was the reception of severely disabled persons. There were major difficulties in finding adequate accommodations. The language courses were also sometimes inaccessible for disabled persons. Social isolation was often a serious problem.</p> <p>The biggest obstacle for integration is the language barrier. Yet in some regions, refugees could not claim their right to language classes due to long distances to the course provider and inadequate public transport, and some language classes were cancelled due to insufficient enrolment. In some cases refugees had to wait months or even a year to get placed in a course. A need for special courses also appeared because often the Iraqi refugees were illiterate, unfamiliar with the Latin alphabet, and/or elderly. Those courses could not be provided everywhere.</p> <p>Collaboration between state authorities and NGOs differed from place to place. In most cases collaboration was assessed as good. However, in some places the opportunity to make use of civil society (save-me volunteers) that offered their help for resettled refugees was simply ignored. Problems also occurred when staff members of the municipalities and/or immigration authorities were uninformed or insufficiently informed about the arrival of resettled persons and/or the legal status of the Iraqi refugees. Sometimes there was no clear division of tasks between involved services, authorities and institutions.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> <li>➤ The legal status of resettled refugees should be changed into a refugee protection status according to the Geneva Refugee Convention and include a permanent residence permit from the beginning. This would require a change in the German Act.</li> <li>➤ Different stakeholders expressed the opinion that the stay in Friedland could be used and institutionalised in a better way by clarifying all administrative questions and giving all relevant information from the start.</li> <li>➤ Distribution of refugees within Germany has to consider refugee needs and the local infrastructure for integration. More flexibility in distribution is necessary.</li> <li>➤ After leaving Friedland, accommodation in reception centres should be avoided.</li> <li>➤ Translators should be planned for and funded by the state.</li> <li>➤ More information about the refugees' health problems should be given in advance.</li> <li>➤ Access to language courses should be ensured and factored into the distribution process.</li> </ul>
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	<ul style="list-style-type: none"> <li>➤ Collaboration between state authorities and other stakeholders has to become regulated and in some cases improved. All relevant stakeholders should be provided with necessary information about the refugees, and the responsibilities of different stakeholders should become regulated.</li> <li>➤ Conditions for family reunification have to be eased.</li> </ul>
<b>c) Costs and Funding</b>	
<b>Funding</b> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>Local Level</i></li> </ul>	<p>The Federal State covers the costs for:</p> <ul style="list-style-type: none"> <li>• The standard financial aid according to the Social Code II: unemployment compensation, additional needs health insurance. Proportionately the Federal Government also covers heating and living costs (between 25.4 and 35.2%). The amount is paid together by the competent authorities.</li> <li>• Work finding aids according to the Social Code III</li> <li>• The costs for the selection and transport of the refugees from the countries of first asylum (e.g. the flight, possibly with the help of the army or the Federal Agency for Technical Relief, or also selection missions by the BAMF) as well as the integration course (through the BAMF).</li> </ul> <p>The costs covered by the Länder depend on:</p> <ul style="list-style-type: none"> <li>• The distribution procedure in the Länder,</li> <li>• The Länder themselves. It is regulated in each Land Reception Law or through Länder rulings.</li> </ul> <p>The municipalities cover the costs for:</p> <ul style="list-style-type: none"> <li>• Housing and heating for refugees receiving unemployment compensation II (Hartz IV), singular benefits in exceptional cases.</li> <li>• Social benefits, health treatment, housing and heating costs for elderly and permanently sick people pursuant to Social Code XII</li> <li>• The rent and operational costs of (temporary) accommodation which belongs to municipalities. In some cases the municipalities are reimbursed part of the costs by the Land or Federal State</li> <li>• In part the refugees themselves have to cover certain user fees. It is not possible to tell the general cost of rent and operation of these accommodations. This depends on the Laws for Reimbursement in each Land, but also on the practice of each municipality in renting, renovation and allocation etc. Empty housing also incur costs for the municipalities so that, in some cases, there are more advantages to allocating them to refugees so that they can benefit from reimbursement by the State and cover the costs that otherwise they would have had to bear themselves.</li> <li>• Voluntary benefits for the resettled refugees. Also here, the municipalities might use rules for reimbursement, depending on the laws in each Land. These rules are actually intended to grant help for integration, advisers for legal problems or for social projects.</li> </ul>

<p>– <i>ERF</i></p>	<p>The government received money from the European Refugee Fund. More than half of it was distributed to the Länder.</p> <ul style="list-style-type: none"> <li>• The Government can receive 4,000 € from the European Refugee Fund for each refugee. This money is usually used to cover the preparation and the transfer. Between 2008 and 2011 Germany has received € 8.6 million from the ERF.<sup>29</sup></li> <li>• For the resettlement of the 2,501 Iraqi refugees the Federal Republic had applied for an ERF Funding for 2,160 persons, but it was granted only for a part of them. Not all of these refugees belonged to the specific group of persons for which the funding was created.<sup>30</sup></li> </ul>
<p><b>Costs</b></p>	<p>The beginning and the end of resettlement is not legally defined and therefore is it impossible to give precise costs of resettlement activities or singular procedures of resettlement<sup>31</sup>.</p> <p>The asylum expenses amounted to €1,032 million in 2007, €842 million in 2008 and €789 million in 2009.</p>
<p><b>Comments</b></p>	<p>The ad hoc resettlement of Iraqi refugees in 2009/2010 has been assessed as being positive and forms a good basis for future resettlement. It showed that Germany has the necessary capacities and resources and also convinced policy-makers to support further resettlement.</p> <p>However, programme problems that emerged need to be addressed in order to improve the resettlement experience for both refugees and NGOs into the future.</p> <p>On the basis of the quota that has been decided, the planning of the resources has become easier and more cost-effective for all participants. The necessary preparation for all of the respective groups of refugees can be made and the funding of the ERF can be better integrated in the financial planning.</p>

<sup>29</sup> <http://dipbt.bundestag.de/dip21/btd/17/085/1708562.pdf> (April 2012) p. 1.

<sup>30</sup> <http://dipbt.bundestag.de/dip21/btd/17/085/1708562.pdf> (April 2012), p. 4.

<sup>31</sup> Interview with the Ministry of the Interior, op.cit.



# KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES

Co-financed by the European Union

## *KNOW RESET – Country Profile*

### **Greece**

Report written by

**Konstantinos Eleftheriadis (EUI)**

**and reviewed by the Know Reset team**

July, 2013



## Country Profile: GREECE

The population of Greece is 89.9% Greek. The remaining 10.1% are immigrants, the majority of whom are from Eastern Europe.<sup>1</sup> Although, immigration had started in the early 1980s, Greece became a largely immigrant-receiving country after the fall of communism, and thereby transforming the country's status from a sending to a receiving country. Greece is bordered from west to east with Albania, Macedonia, Bulgaria, and Turkey. The borderline with Turkey is one of the most frequented passages of immigration into Europe. According to the International Organisation of Migration, 85% of the illegal immigration to the EU passes through Greece and originates at its border with Turkey<sup>2</sup> which places a 'particular pressure' on Greece.<sup>3</sup>

Greece's legal framework for asylum and immigration is based upon two basic legal texts, one presidential decree (114/2010) and one law (3907/2011). In addition, there is an Action Plan which does not have a legal validity but serves as a guideline of the politics that should be adopted by the administration. The new law 3907/2011 of 21 January 2011, which has not yet been fully implemented, establishes the Central Asylum Authority and the Regional Asylum Services, which will be attached to the Ministry of Interior, and will constitute an independent administrative authority composed of qualified and specialized civilian personnel who are responsible for the adjudication of asylum applications at first instance. This law is, according to the UNHCR, the basis for significant improvements and progress on asylum institution building, as well as for fair and efficient decision-making on individual claims'.<sup>4</sup> However, its implementation poses significant challenges due to the lack of financial means to set up, equip and operate the system.

The assumption is that since the beginning of the financial crisis in 2009, the asylum system has been completely overloaded. Hence, the inability to register all the applications that were made explains why there has been a decrease in the number of asylum applications. Nonetheless, in the first half of 2009, Greece registered the 6th largest number of asylum applications in the EU.<sup>5</sup>

In general terms, the system of asylum provision is quite dysfunctional in Greece and less generous than in other EU countries. In fact, only 0.03 per cent of the applications of refugee attribution have been approved, while in countries such as France, the UK and Sweden, this percentage has reached almost 30 per cent. For instance, in the first three quarters of 2010, Greece awarded refugee status to 8% of Afghan applicants, 0% of Somalis and 8% of Iraqis. The average protection rates for these same States in the five EU member states which have received the highest number of asylum claims in the same period of time, is: Somalis 70%, Afghans 45%, and Iraqis 51%.<sup>6</sup>

In addition, it is admitted that the whole system of asylum processing is collapsing.<sup>7</sup> The conditions of detention of the asylum seekers in Greek detention centres constitutes a humanitarian crisis.<sup>8</sup> On the 21st of January 2011, Greece was judged by the European Court of Human Rights to have violated the European Convention of Human Rights in how it applied EU law.<sup>9</sup> In fact, Greece was condemned for the living and detention conditions of refugees and asylum seekers which is in breach of Article 3 of the ECHR.

<sup>1</sup> Data from the United Nations Department of Economic and Social Affairs, Population Division's World Migrant Stock: The 2008 Revision

<sup>2</sup> <http://www.iom.int/jahia/Jahia/greece>

<sup>3</sup> See COM (2006) 401 final, Proposal for a Regulation of the European Parliament and the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism, [http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006\\_0401en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0401en01.pdf)

<sup>4</sup> *Asylum situation in Greece including for Dublin II transferees*, UNHCR, 30 January 2011.

<sup>5</sup> See "Asylum Claims in Industrialised Countries, Monthly trends January – June 2009", [www.unhcr.org](http://www.unhcr.org)

<sup>6</sup> *Asylum situation in Greece including for Dublin II transferees*, UNHCR, 31 January 2011

<sup>7</sup> Interview with Iliana Raouzaïou, Caritas NGO, 16 March 2012

<sup>8</sup> 'While Dublin II transferees are unlikely to end up in the Evros detention facilities upon their return to Greece from another Member State, the inability of the Greek authorities to provide for the basic standards required to ensure human dignity is of grave concern. There are no indications that Dublin II transferees are spared the hardships and treatment that – at present – are generally experienced by asylum seekers in Greece.' *Asylum situation in Greece including for Dublin II transferees*, op.cit.

<sup>9</sup> ECHR, M.S.S v. Belgium and Greece, 21 January 2011

Finally, the financial crisis has paralysed the country for the past five years and has aggravated an already delicate situation and leaves no possibility for the introduction of resettlement in the political and therefore to the legal agenda.

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>10</sup></p> <p>Number of asylum seekers<sup>11</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p>130 (2010)</p> <ul style="list-style-type: none"> <li>95 Refugee Status</li> <li>35 Other Protection</li> </ul> <p>66 (2009)</p> <ul style="list-style-type: none"> <li>36 Refugee Status</li> <li>30 Other Protection</li> </ul> <p>10,273 (2010)</p> <p>15,928 (2009)</p> <p>/</p> <p>/</p>
I. Legal and Administrative Framework	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Law 3907/2011, 26 January 2011</a></u>, <i>Establishment of the Asylum Service and the Service of First Reception (transposition of the directive 2008/115/EC).</i></p> <p><u><a href="#">Presidential Decree 114/2010, 22 November 2010</a></u>, <i>'Establishment of a uniformed procedure of identification of the status of refugee or of subsidiary protection for aliens and stateless in compliance with Directive 2005/85/EC 'on minimum standards on procedures in Member States for granting and withdrawing refugee status' (L326/13.12.2005)'.</i></p>	<p>Article 5 of law 3907/2011 states that the Asylum Service is competent for 'every process of granting the refugee status, its content, and the procedures of temporary protection attribution'. The basic innovation of law 3907 is the establishment of the Asylum Service, which, once it is set up, will have the competency of examining the asylum applications.</p> <p>The law is not used in reality. The reason is the delay in the establishment of the Asylum Service as it is proscribed in the law.</p> <p>The presidential decree 114/2010 assigns the responsibility for determining asylum applications at first instance to Police Directorates in fourteen locations (including two airports) and establishes independent appeals committees which are responsible, inter alia, for including for the applications backlog. The decree also establishes the Appeals Committee, an independent authority that reviews negative decisions.<sup>12</sup></p>
<b>Other basis of resettlement</b>	/
<b>On-going or foreseeable project/reform</b>	Although, the law 3907/2011 has been voted in order to replace the decree, the decree is still used as a result of the delay in the setting up the Asylum Service.

<sup>10</sup> Source: Ministry of Citizen Protection

<sup>11</sup> Ibid.

<sup>12</sup> Asylum situation in Greece including Dublin II transferees, op.cit.

## ***II. Resettlement Policy and Related Involvements***

a) On an ad hoc basis	/
b) On a programme basis	/
c) “Temporary Resettlement”: Humanitarian Evacuation  2011          1999	<p>From Libya: During the protests against Gaddafi’s regime, there were a large number of foreign nationals who were evacuated from the country. Greece was one of the countries which participated in the evacuation plans, not only of Greek nationals, but also of Europeans and third country nationals. Firstly, Greece offered ports in Crete as points of arrival of six US war ships, which were transporting evacuees. Secondly, Greece sent two boats to Libya in order to evacuate foreign nationals, Europeans, Chinese, Filipinos, and Brazilians. Concerning the Filipinos transferred to Crete, Greek police guarded the hotel where they were staying because of fears that some of the Filipinos would stay illegally in the country. At the same time, there were agreements with Filipino diplomats to repatriate them back to the Philippines.<sup>13</sup> It was also agreed that Chinese nationals would stay in Greece only temporarily and then they would be repatriated to China.<sup>14</sup></p> <p>2,146 Chinese and 665 Filipinos<sup>15</sup> were transferred temporarily to Crete before being repatriated to their home countries. The same is true for an unknown number of Europeans and Americans.</p> <p>During the war in Serbia in spring 1999, many Kosovars were forced to flee to Macedonia. The potential humanitarian crisis forced the United Nations, IOM and several states to participate in an evacuation plan in order to transfer refugees from Macedonia to other countries. Greece accepted to offer Thessaloniki airport for this purpose. The Government of Greece requested that flight plans be presented by IOM with four days notice being given for each flight by IOM and the concerned embassy in Athens. No other identity or travel documents were required.<sup>16</sup></p>
d) Through other Projects	
Governmental Level	/
Non-Governmental Level	/
e) “Resettlement-like” experience	
From Guantanamo	None

<sup>13</sup> [http://www.ekathimerini.com/4dcgi/ w\\_articles\\_ws1e1\\_1\\_02/03/2011\\_381072](http://www.ekathimerini.com/4dcgi/ w_articles_ws1e1_1_02/03/2011_381072), 2 March 2011

<sup>14</sup> 'Greece has agreed to offer hospitality to Chinese evacuees arriving from Libya, who will stay on Crete until arrangements are made for their return to China', <http://www.xpatathens.com/news/23422>, 24 February 2011

<sup>15</sup> Idem

<sup>16</sup> UN High Commissioner for Refugees, Updated UNHCR Guidelines for the Humanitarian Evacuation Programme of Kosovar Refugees in the Former Yugoslav Republic of Macedonia, 11 May 1999, available at: <http://www.unhcr.org/refworld/docid/3ae6b31b7b.html> [accessed 6 April 2012]

Intra-EU "Relocation"	There is no relocation at this moment. There are, however, discussions, at the European level, to extend the relocation scheme existing in Malta to Greece. <sup>17</sup>
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b>	None
<b>Comments</b>	<p>Greece is in the top ten countries of the EU in terms of the biggest number of asylum applications made.<sup>18</sup></p> <p>The Council of Europe in the report 'Asylum system and refugees: sharing responsibilities in Europe' of 6 June 2011, describes the Greek asylum processing system as 'collapsing'. The reasons are described below:</p> <p>'Indeed, many applicants refuse to provide any information whatsoever. This makes the asylum determination process much more complicated. Furthermore, Greece is in the middle of an economic crisis. [...] Greece, which is under particular pressure of arrivals of refugees and asylum seekers (but also of irregular migrants) due to its geographical position, is experiencing huge difficulties in dealing with the asylum claims. In compliance with the Dublin Regulations, other EU member states send asylum seekers that first entered the European Union via Greece, back to Greece. Since the M.S.S. judgment<sup>19</sup>, many EU countries have suspended returns of asylum seekers to Greece. This, however, has not been enough to solve the problems.</p> <p>Greece has still to deal with a backlog of over 50,000 asylum claims<sup>20</sup> and urgently needs to reform its asylum procedure to ensure its fairness and effectiveness.'<sup>21</sup></p> <p>Due to the severe financial crisis that the country is facing at this moment, the possibility of implementing any kind of resettlement are extremely limited. The Greek government are more likely to be willing to negotiate with regard to an expansion of the Maltese relocation programme rather than engaging in an inward resettlement programme.</p>

<sup>17</sup> European Voice, 26 January 2012, <http://www.europeanvoice.com/article/imported/ministers-to-discuss-asylum-relocation-plan/73314.aspx>

<sup>18</sup> Asylum in the EU27, EUROSTAT, 23 March 2012, <http://europa.eu/rapid/pressReleasesAction.do?reference=STAT/12/46&type=HTML>

<sup>19</sup> Reference to the *M.S.S v. Greece and Belgium* decision of the European Court of Human Rights on 21 January 2011 (see above).

<sup>20</sup> Reference to the asylum applications which were not treated in 2011 and therefore were transferred to 2012

<sup>21</sup> *Asylum Seekers and refugees: Sharing responsibilities in Europe*, Council of Europe, 6 June 2011, p. 11

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### ***KNOW RESET – Country Profile***

#### ***Hungary***

Report written by

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**Mária Barna (ECRE)**

**reviewed by the Know Reset coordination team**

July, 2013

## Country Profile: HUNGARY

Hungary is not a major destination for international migrants. Before the fall of the Communist regime in 1989, Hungary was mainly a country characterised by emigration. After 1987, however, an increasing number of refugees started to arrive in the country, at first mainly ethnic Hungarians from Romania, forcing the political leadership to face a totally new situation. In addition to this, the Hungarian Government also provided support to people arriving from East Germany. In response, Hungary ratified the Refugee Convention in 1989 as well as the UN Protocol of 1967 relating to the Status of Refugees. Both documents constitute the legal basis that defines the concept of asylum procedure in Hungary.

Regime changes occurred in surrounding States at the same time as these important changes to migration law in Hungary. These added to the strain on immigration services. At the beginning of 1990s, the armed conflict in the Former Yugoslavia led to a new wave of refugees. The government made a political decision to admit these refugees on humanitarian grounds and most of them were granted temporary protection.

In the early 2000s, the number of legal migrants in Hungary increased, with the highest number arriving around the time of Hungary's accession to the European Union in 2004. Long-term migration into Hungary has continued to decline in recent years. This trend reflected the economic crisis, which hit Hungary hard from 2009-10.<sup>1</sup> As opposed to this, the number of asylum seekers saw an increase until 2009. In 2012, a total of 2,157 asylum-seekers were registered, representing half of the numbers of 2009. This was mainly due to a sharp decline in the number of asylum seekers from Serbia and Kosovo, a decline that might be related to the December 2009 implementation of the EU visa exemption agreement with Serbia, the Former Yugoslav Republic of Macedonia (Fyrom) and Montenegro. According to government statistics, 25% of the applications were considered as subsequent applications (either in the context of Dublin II returns or otherwise), compared to 20% in 2010.<sup>2</sup>

Despite its geographic position, located at the crossroads of migratory movements in Central Europe and along the Eastern border of the European Union, Hungary has not yet developed an official migration policy. The Hungarian Government has considered asylum matters primarily in the context of the fight against "illegal" migration. In the amendments to legislation on asylum and foreigners, as well as in the respective implementing measures, the human rights and protection needs of asylum-seekers and refugees have been given lesser priority than security and law enforcement objectives. The detention regime and practice has become more extensive, while access to the asylum procedure is more restricted.

Recently, in December 2012, the Hungarian Government announced the establishment of an annual resettlement programme thus becoming one of the newest States in Europe to resettle, together with Spain and Bulgaria.

As this first resettlement programme is just a pilot project and given the recent economic situation as well as the limited capacities of Hungary, the Government pledged to resettle only one family in 2012-2013.<sup>3</sup> With regards to further numbers, or provisions for the forthcoming years, there has been no decision made as of yet.

As Hungary's resettlement programme has only one resettled refugee, it is not representative enough to draw general consequences on the outcome of the programme.<sup>4</sup>

Hungarian society does not know anything about refugees and even less about resettlement. Afghan border crossers are usually addressed by the media as criminals and not as potential asylum seekers. Yet, when it comes to public response regarding a case of resettlement, the Hungarian state could be seen by the public as having acted on a humanitarian basis, generously offering help and participating in global burden sharing.

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<sup>1</sup> [http://www.oecd.org/els/mig/IMO%202012\\_Country%20Note%20Hungary.pdf](http://www.oecd.org/els/mig/IMO%202012_Country%20Note%20Hungary.pdf)

<sup>2</sup> Hungarian Office of Immigration and Nationality, <http://www.bmbah.hu/index.html>

<sup>3</sup> Interview with UNHCR Hungary, April 2012.

<sup>4</sup> Interview with Dr.Marta Pardavi, Hungarian Helsinki Committee , April 2012.

The European Union's agenda to strengthen its Member's participation in refugee resettlement is seen as playing an important role in the political decision making on a national level as well. The role of the EASO is considered as facilitating and coordinating the exchange of knowledge.

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>5</sup></p> <p><b>Number of asylum seekers</b><sup>6</sup></p> <p><b>Resettlement Scheme</b></p> <p><b>Resettlement Quota</b></p>	<p><b>462</b> (2012)</p> <ul style="list-style-type: none"> <li><b>87</b> Refugee Status</li> <li><b>375</b> Other protection</li> </ul> <p><b>188</b> (2011)</p> <ul style="list-style-type: none"> <li><b>52</b> Refugee Status</li> <li><b>136</b> Other Protection</li> </ul> <p><b>2,157</b> (2012)</p> <p><b>1,693</b> (2011)</p> <p>Pilot programme since December 2012</p> <p>Planned resettlement of 1 family (around 5-8 refugees) but only one was resettled on 29 November 2012</p>
I. Legal and Administrative Framework	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Act LXXX of 2007 on Asylum</a></u></p> <p>Section 7 § (5)</p>	<p>The framework of the future Hungarian resettlement programme is delineated by Section 7(5).</p> <p>“The minister may grant refugee status to an alien who was granted recognition as a refugee by the competent authorities of another country or the Office of the United Nations High Commissioner for Refugees, and to whom the Geneva Convention applies as declared by the refugee authority.”</p> <p>Previously, the above cited clause had included: “The number of refugees recognised under the terms of the present subsection shall not exceed one hundred per year.”<sup>7</sup></p>
<p>Other basis of resettlement:</p> <p><u><a href="#">Governmental Decree 301/2007</a></u></p> <p>7/A§</p> <p>UNHCR Ministerial Meeting: Hungary's pledge, 8th of December 2011<sup>8</sup></p>	<p>Implementing Act LXXX of 2007 on Asylum.</p> <p>“The refugee authority shall establish the applicability of the Geneva Convention based on a personal hearing of the foreigner or on the basis of the available documents.”</p> <p>The Hungarian Government announced its decision to become a resettlement country in October 2010 and confirmed its commitment through a pledge submitted to the Ministerial Conference organized by UNHCR in Geneva in December 2011.</p>

<sup>5</sup> [http://www.ksh.hu/docs/eng/xstadat/xstadat\\_annual/i\\_wnvn003.html](http://www.ksh.hu/docs/eng/xstadat/xstadat_annual/i_wnvn003.html)

<sup>6</sup> [http://www.ksh.hu/docs/eng/xstadat/xstadat\\_annual/i\\_wnvn003.html](http://www.ksh.hu/docs/eng/xstadat/xstadat_annual/i_wnvn003.html)

<sup>7</sup> Source: “UNHCR | Refworld | Act LXXX of 2007 on Asylum”, n.d.  
<http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,HUN,4562d8b62,4979cc072,0.html>.

<sup>8</sup> <http://www.unhcr.org/pages/4d22fd496.html>



<a href="#"><u>Governmental Decree 1139/2011</u></a>	The governmental decree is meant to guarantee the practical implementation of the Resettlement programme of 2012 (7/A paragraph of the 301/2007 decree).
<b>On-going or foreseeable project/reform</b>	<p>The Hungarian Government pledged to launch the first resettlement of one family (5-8 persons) in 2012-2013 from North-African.<sup>9</sup></p> <p>The first Hungarian national resettlement operation is considered as a pilot programme.</p> <p>The outcome will be assessed as well as the whole process (from the beginning until the end including the integration phase) in order to develop a good model programme tailor-made to the national needs on the basis of which Hungary will be able to extend its resettlement efforts in the future.<sup>10</sup></p>
<b>II. Resettlement Policy and Related Involvements</b>	
a) <i>On an ad hoc basis</i>	n/a
b) <b>On a programme basis</b>	In autumn 2010, a governmental decision was drafted on Hungary launching a national resettlement programme. In response to the "Arab spring" in 2011, a <a href="#"><u>Governmental Decision (No. 1139/2011)</u></a> was adopted. Within the framework of this programme Hungary showed its solidarity in the form of both resettlement and relocation.
c) <b>"Temporary Resettlement": Humanitarian Evacuation</b>	n/a
d) <b>Through other Projects</b> Governmental Level	<p>Hungary has been participating in different initiatives related to knowledge sharing about resettlement for several years. The official twinning programme initiated by the Finnish government was highlighted in positive terms. It was also pointed out that the visit to Finland was followed by the authorities' trip to Thailand, during which they had the possibility to assist a selection mission of the Finnish government within the framework of their resettlement programme.</p> <p>In addition to this, Hungary has been participating in the UNHCR initiated Annual Tripartite Consultations on Resettlement, convened for the first time in 1995, bringing together governments and NGOs. The Ministry of Interior has already represented Hungary as a possible resettling country in the ATC in 2010.</p> <p>Besides, together with 9 other EU Members States, Hungary took part in the 2010-2011 initiative of IOM, UNHCR and ICMC (International Catholic Migration Commission), called "Promotion of Resettlement in the European Union through Practical Cooperation by EU Member States and Other Stakeholders."<sup>11</sup> This project was part of the initiatives aimed at encouraging the European Member States' participation in the development of a larger scale, joint European resettlement program. Financed by the ERF, the project was officially launched in Timisoara in March 2010, and ended with a conference in Brussels in June 2011.</p>

<sup>9</sup> Interview with UNHCR Hungary, op.cit.

<sup>10</sup> Interview with the Hungarian Ministry of Interior, Office of Immigration and Nationality (OIN), March 2012.

<sup>11</sup> "A Joint IOM, UNHCR and ICMC Project: Promotion of Resettlement in the European Union Through "Practical Cooperation by EU Member States and Other Stakeholders." International Catholic Migration Commission, July 2, 2010. <http://www.icmc.net/activities/ERF-project>.



<p>Non-Governmental Level</p>	<p>Hungary was represented by the Hungarian Helsinki Committee in the 2008-2010 ASPIRE (Assessing and Strengthening Participation In Refugee resettlement to Europe) projects, which had as its main coordinator the Churches' Commission for Migrants in Europe (CCME) and was financed by the ERF.<sup>12</sup></p> <p>The project focused on the expansion of a debate between governmental and non-governmental actors in Member States, which had started showing a recent interest in resettlement.</p> <p>According to the Helsinki Committee, the organization's role within the project's framework was to promote the implementation of the resettlement quota that was at that time part of the Hungarian Asylum Act, which recommended a limit of hundred persons per year.</p> <p>Besides the promotion of an actual resettlement programme, Helsinki had the possibility to promote the country's involvement in the development of a common European framework for resettlement.<sup>13</sup></p> <p>During the project a number of different cooperative activities involving ten EU Member States, civil society organizations, UNHCR and IOM have been implemented. Amongst these, Hungary participated in a pilot programme on resettlement interviews via video link, which was carried out by the Dutch government at the Emergency Transit Centre in Timisoara, Romania, and was observed by Hungarian government officials. Moreover, Hungarian authorities and NGOs visited the UK and Sweden, to learn more about the two countries' programmes for reception and integration of resettled refugees. Lastly, Hungary participated in the various multi-stakeholder-meetings and the final conference held in Brussels in June 2011.</p>
<p>e) "Resettlement-like" experience</p> <p>The Cuban Case</p>	<p>In October 2008, as a result of a bilateral agreement between the Government of the United States of America and the Hungarian Government, 29 Cuban citizens arrived in Hungary, with the help of the International Organization for Migration (IOM). After that decision, which granted refugee status to all the newly arrived, an integration process started. As for the financial aspects of this programme, the resettlement, all the related procedures, as well as the integration initiatives were financed entirely by the US government. The majority of the refugees left Hungary a few months after arrival and have moved to Spain.</p> <p>It is not appropriate to consider that operation as an example of resettlement as the migrants who were beneficiaries of the programme were not refugees prior to their arrival to Hungary and as a consequence the programme does not match the criteria of resettlement. On the other hand, the case is still worth considering, as many of the experiences that it endowed the Hungarian authorities with could prove to be useful in any future resettlement programme.</p> <p>Although the 2007-2008 resettlement programme of Cuban migrants to Hungary does not match the criteria of resettlement entirely, it still holds many relevant conclusions worth considering. This case was a typical one as it showed how in some cases the government is ready to carry out this sort of programme, despite the fact that the legal and infrastructural frameworks had not been developed previously.</p>

<sup>12</sup> "Churches' Commission for Migrants in Europe", n.d. <http://www.ccme.be/areas-of-work/refugeeprotection/aspire/>.

<sup>13</sup> "ASPIRE: Assessing and Strengthening Participation In Refugee Resettlement to Europe (2008-2010)." Hungarian Helsinki Committee, June 12, 2011. <http://helsinki.hu/en/aspire-assessing-and-strengtheningparticipation-in-refugee-resettlement-to-europe-2008-2010>.

<p>Intra-EU “Relocation”</p>	<p>Hungary’s participation in the EUREMA (European Relocation Malta) project in 2010. The EUREMA project started in 2009 and was specifically designed to cater for the island’s needs by granting substantial financial assistance to Member States for every person who had been granted international protection and is resettled from Malta.<sup>14</sup> Hungary was amongst those Member States who agreed to relocate a small number of refugees from the island. In the framework of the project, a couple arrived in Hungary in August 2010. As was the case with the Cuban migrants some years earlier, that couple were first brought to the refugee camp of Bicske.</p> <p>The integration phase could not even start, as the couple left Hungary and returned to Malta three days after their arrival. The legal status of the couple started representing a problem only after their arrival, despite the fact that they were not even entitled to participate in the EUREMA, not being refugees. Namely, the man was a stateless person originating from Kazakhstan, while his partner, a woman, was a Russian citizen, and as such, was absolutely unwilling to give up her citizenship (a necessary consequence of the obtaining the refugee status, which was, parenthetically, offered to her). Also the couple in question had reached a relatively high level of integration in Malta.</p> <p>To the questions of why Hungary insisted on persuading the couple to participate in the relocation programme if they were not necessarily in need of leaving Malta, most of stakeholders agree that there has been a serious communication issue in carrying out the selection phase. Additionally a more serious dilemma was raised related to the selection criteria used by the Hungarian authorities in the EUREMA project, probably because they were the only non-black couple family that could participate in the relocation.</p> <p>In spite of the negative outcome of Hungary’s participation in the first EUREMA, the country is planning to take part in the second phase, as the European Commission announced the extension of the project.<sup>15</sup> Nevertheless, Hungary’s participation will be limited, together with other Member States to “token” pledges of five to ten refugees.<sup>16</sup></p>
<p><b>Comments</b></p>	<p>Notwithstanding the two precedents that have been elaborated above, Hungary has been formally a non-resettling country up to now. Nevertheless, in 2012, the country has announced the establishment of an annual resettlement programme.</p> <p>The possibility of resettlement is not envisaged in the Asylum Law but is referred to in a government decree, which only mentions resettlement in 2012. It seems that the possibility for resettlement in 2013 will be created in a separate government decree.<sup>17</sup></p> <p>The amendment to the Asylum Act with regard to the quota of one hundred was simply due to a political consideration. It was designed to tackle the government’s reluctance to pass the legislation in question without such a limitation included into it. Nevertheless, as will be shown later in the report, 100 resettled refugees annually is already an unrealistically big number compared to the intentions of the current government.<sup>18</sup></p>

<sup>14</sup> Ivan, Camilleri. “EU Pressures Members to resettle Asylum Seekers.” [www.timesofmalta.com](http://www.timesofmalta.com/articles/view/20110512/local/EU-pressures-members-to-resettle-asylumseekers.364942), May 12, 2011.  
<sup>15</sup> Ibid.

<sup>16</sup> Interview with UNHCR Hungary, op.cit.

<sup>17</sup> Interview with UNHCR office in Budapest, April 2012.

<sup>18</sup> Ibid.

	<p>While Hungarian legislation exempts third-country family members of a recognised refugee from general maintenance requirements for family reunification, the Act on the Entry and Stay of Foreigners was amended in 2010 to exclude family members of beneficiaries of subsidiary protection from this exemption.</p>
<b>III. Resettlement Implementation</b>	
<p><b>Refugees resettled</b></p> <p>29 November 2012</p>	<p>1 refugee resettled from Egypt</p> <p>The refugee is a Christian convert.</p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>The resettlement programme is the responsibility of the Ministry of Interior, however the Office of Immigration and Nationality (OIN) will decide the applicability of the Geneva Convention under the 301/2007 governmental decree, in the cases of foreigners involved in the selection procedures for resettlement. A decision as to the resettlement of the refugees chosen will take place after a personal hearing of the persons in question and in the presence of relevant documents (provided by the UNHCR).</p> <p>The Hungarian government has not announced any admissibility criteria; Neither has it expressed a preference for a particular nationality. Due to practical implications, Hungary is focusing on refugee groups meeting current criteria for ERF subsidies. Besides, the reason why the government decided to resettle a family might be that a family has better integration potential.</p>
<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>The pledge and the decree 1139/2011 do not include any resettlement specific procedural rules.</p> <p>n/a</p> <p>OIN and UNHCR</p> <p>No</p> <p>Selection mission was provided instead of dossier-based selection. National Security was not present in the mission.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>No cultural orientation was provided to the refugee neither by mission delegates neither by IOM.</p> <p>Though in principle assistance with travel documents was provided to the refugee, a lot of gaps were encountered during the process.</p> <p>n/a</p>
<b>Procedure Timing</b>	n/a

<p><b>Comments</b></p>	<p>The debate focuses on the priorities of selection, and focuses on two main perspectives, namely the integration potential of refugees versus their protection needs.</p> <p>Even though Hungary resettled only one refugee, a few gaps are identified in implementing the pre-arrival phase. One of the gaps is the lack of Cultural Orientation. In addition, the travel arrangements emphasised a lack of planning, knowledge as well unclear division of roles and responsibilities.</p> <p>As for the pre-departure phase and the selection procedures, the OIN sees no possibility for NGO involvement and emphasizes the strict state priority when it comes to deciding on the target groups and people eligible for resettlement. Stakeholders interviewed acknowledged the decisive role of the state in this phase, but nevertheless the state should be ready to consider the involvement of NGOs in elaborating on the selection criteria. In this respect, it should be stressed that the knowledge of NGOs regarding Hungarian refugee communities, integration, as well as several other aspects that could be useful in complementing the state's priorities and improving the implementation of the selection mission.</p> <p>It is recommended that a more precise development of the selection criteria to be used in resettlement would also facilitate a more conscious elaboration of an integration programme. There seems to be an agreement regarding the fact that Hungary should not embark on a resettlement programme for the most disadvantaged ones, as the country could not guarantee a positive outcome of their integration and their personal well-being. Stronger selection criteria should be developed with the involvement of civil society and international experts prior to starting the implementation of the resettlement programme itself.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p><a href="#">Act LXXX of 2007 on Asylum</a> Section 7 § (5)</p>	<p>The granting of refugee status in Hungary is a responsibility of the Minister of Interior.</p> <p><i>“The minister may grant refugee status to an alien who was granted recognition as a refugee by the competent authorities of another country or the Office of the United Nations High Commissioner for Refugees, and to whom the Geneva Convention applies as declared by the refugee authority.”</i></p>
<p><b>Rights granted</b></p> <p><i>Residence</i></p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p> <p><i>Preparing local community</i></p>	<p>The resettled refugee is issued identity papers upon arrival and will need to wait for the issuance for up to 2 months.</p> <p>No</p> <p>No</p> <p>No inclusion and no information provided. Local community was not involved in the planning process and not informed about the arrival of the resettled refugee. This was also connected with the lack of planning for the refugee's residence past the collective information.<sup>19</sup></p>

<sup>19</sup> Ibid.

<p><i>Developing Integration Programme (Housing, health, education)</i></p> <p><i>Cultural orientation</i></p> <p><i>Language/Skills training</i></p> <p><i>Education</i></p> <p><i>Housing</i></p> <p><i>Counselling</i></p> <p><i>Employment</i></p> <p><i>Family Reunification</i></p> <p><i>Advice of Accessing Services</i></p> <p><i>Mentoring</i></p> <p><i>Training of local service providers</i></p> <p><i>Volunteer support</i></p>	<p>Only a short version of the integration plan was provided to the refugee after one month being over in Hungary. A few key facts still remain unclear. The integration plan does not provide information on the educational and employment profile of the resettled refugee.</p> <p>Availability for two months.</p> <p>Access in the camp only in the Hungarian language, no English. Access not guaranteed for vocational training.</p> <p>Access to education only in Autumn 2013.</p> <p>Living in Bicske, the pre- integration centre. There are no plans for accommodation after one year.</p> <p>Availability of psycho-social counselling.</p> <p>No plans for the refugee's employment. Limited access to specialized advice/ presentation in the event of discrimination.</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>
<p><b>Comments</b></p>	<p>Hungary considered the resettlement of only 5 persons in 2012 and integration capacity still remains a challenge. The integration plan is still unclear and still pending with OIN.</p> <p>As for reception conditions in general, refugees and beneficiaries of subsidiary protection are accommodated in the open OIN integration facility in Bicske. As a consequence of changes in legislation, beneficiaries of international protection may generally stay only six months (instead of one year) in the camp which can be extended exceptionally by another six months. The present system has proven to be ineffective in equipping beneficiaries of international protection with the skills required for integration. Living in Bicske for up to one year keeps people isolated from the local community. Most of the residents do not have any contacts with Hungarian people except for the social workers. They often do not have any other ties to people living outside the camp who could ease their integration into the society. This also slows their process of learning the language and how different institutions and services operate. After having lived in Bicske for 6 months, most of the refugees do not have a detailed knowledge on employment conditions, their own financial resources, proficiency in the Hungarian language etc. that are needed to find employment. After being released from Bicske, refugees do not have any realistic prospects on access to accommodation or employment. Access to language courses is also of great concern. As a result, some refugees opt to move to other EU Member States upon recognition of their refugee status. If returned to Hungary, they often become homeless. Homeless refugees reportedly face various violations of their physical integrity, with single women particularly at risk.<sup>20</sup></p> <p>Moving on to the post-arrival phase of resettlement, the possibilities of involvement open up. Since there seems to be a consensus that integration of resettled refugees should happen in a joint system with all other refugees, it is evident that the role of NGOs is expected to be similar to the one that they are currently playing in integration.</p>

<sup>20</sup> Interview with the UNHCR Hungary, op.cit.

	<p>Lastly, the involvement of the existing refugee communities and the possibility of them playing a supportive role if Hungary receives some resettled refugees should be addressed briefly. There is almost no example of an institutionalized refugee community which could be involved on a project basis or on a more systematic level in resettlement. Nevertheless, NGOs who have a deeper insight in the structure of the diaspora communities in Hungary see potential in some of the more settled and integrated refugee groups.</p> <p>The following is some recommendations:</p> <ul style="list-style-type: none"> <li>• <b>A stronger cooperation between the governmental authorities and the NGOs</b> is extremely important. The fact that NGOs lack basic information about the government's and the Ministry's decisions and activities regarding resettlement, while the availability and openness to sharing expertise and burdens seems to be present on the civil sector's side, is certainly a serious problem. As it is evident from the analysis of the interviews, civil society in Hungary is capable of contributing to the implementation of the resettlement programme, with a vast amount of professional knowledge and enthusiasm. However, this potential is wasted by lack of communication between the government and NGOs.</li> <li>• <b>The opening of a Resettlement Dialogue Panel</b> would enable all parties to share views, expertise and ideas on resettlement in Hungary. Moreover, in connection to the previously highlighted need for a stronger cooperation between NGOs and authorities, the panel would also enable the governmental bodies to communicate their decisions to NGOs and other important stakeholders.</li> <li>• The Helsinki Committee's representative argues that keeping the number of the resettled refugees to a minimum does not always make it easier to carry out successful resettlement and to set up a suitable plan for future resettlement activities. Quite the contrary, <b>resettling more refugees</b> may actually bring much more representative deductions and result in more usable know-hows that can "pay off" on the long run.</li> <li>• <b>A greater determination and a sustained effort at improving the asylum system itself</b> (with special emphasis on integration) is what, in the opinion of many commentators, the Hungarian authorities should offer. Namely, as NGOs and UNHCR articulate with regards to different topics, openness on the level of political declarations is not necessarily sufficient to bring about real improvements. Unless Hungary becomes aware of the crucial link between effective and just integration and the successful resettlement of refugees, an important decision to start a resettlement programme could fail to fulfil its principal goals.</li> </ul>
<p><b>c) Costs and Funding</b></p>	
<p><b>Funding</b></p> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>ERF</i></li> </ul>	<p>OIN does not plan to complement the ERF support by matching funds additional to the basic support provided to all refugees in the country.</p> <p>Hungary pledged to resettle in the calendar year 2012 five persons belonging to the category of persons from a country or region designated for the implementation of Regional Protection</p>



	<p>Programme in order to be eligible for additional resources from the ERF.<sup>21</sup> It will thus receive 6,000 euros for each resettled refugee, as a first time applicant to the ERF's contribution.</p>
<b>Costs</b>	<p>It is recommended that a more detailed and more controlled budgeting of the funds allocated by the ERF for each resettled person could contribute to what many NGO representatives hope for, that is an improvement of the Hungarian reception and integration services and a better functioning of the system itself. This is especially true because of the fact that while ERF funding represents one of the biggest incentives to carry out resettlement, it is questionable whether the free handling of the sums in question is necessarily a positive detail. As the UNHCR warned, this can result in discrimination among the refugees.</p>
<b>Comments</b>	<p>With its resettlement programme Hungary committed to enhancing the delivery of comprehensive durable solutions, to promoting increased opportunities for refugee resettlement, the participation of new resettlement countries, improved integration outcomes for resettled refugees, and the strategic use of resettlement to unlock other durable solutions such as voluntary repatriation and local integration.<sup>22</sup></p> <p>The basis for the assessment of readiness for resettlement is the proven and credible integration of refugees. Ultimately, the delivery of Refugee Convention obligations on a domestic front remains a huge issue. Only once the country establishes a satisfactory and credible record in refugee integration will it be ready for receiving refugees through resettlement. Hungary currently has to recover from its own economic crisis. It seems to be a too great a challenge to now focus on resettling refugees.<sup>23</sup></p> <p>There is no sum allocated on a yearly basis to be spent on asylum seekers, neither on a system-level nor on a per capita basis. This makes the system more vulnerable to political decisions and, as the economic situation in the country has deteriorated in the past few years, financing of this area is becoming less and less of a priority. Thus EU fund are the biggest incentive.</p> <p>The kind of commitments and measures that Hungary has adopted in the past few months in order to participate in resettlement programmes are a promising start. Hungary now enters a critical few years to see how resettlement may evolve and how its programme may become more established.</p>

<sup>21</sup> Interview with the Hungarian Ministry of Interior, op.cit.

<sup>22</sup> Interview with UNHCR Hungary, op.cit.

<sup>23</sup> Ibid.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Ireland***

Report written by

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**and reviewed by the Know Reset team**

February, 2013



## Country Profile: Ireland

Ireland has shared a common travel area with the United Kingdom, an Area which involves some co-operation on matters relating to immigration issues. Ireland joined the European Union in 1973. It is not part of the Schengen area but participates in the Common European Asylum System. Inward immigration as a result of EU free movement went up massively during the last decade. Polish people have now overtaken UK nationals as the largest non-Irish community in Ireland.<sup>1</sup> Lower figures but with a similar pattern are to be found with regard to Lithuania, Latvia and other eastern European States. Romanian and Indian are other nationals who have seen a large increase in inward migration to Ireland between 2005 and 2011. This free movement had slowed considerably by 2011. Non-EU national inward migration also increased over the past decade. The Minister for Justice, Alan Shatter, has recently announced visa waivers and other immigration incentives which the government has designed to stimulate the Irish economy.<sup>2</sup> Ireland's economic depression has not led to a substantial tightening in immigration control.

The late '90's and early '00's saw a huge increase in first instance asylum applications. It was indeed possible to gain Irish citizenship by virtue of being born on the territory of Ireland. In June 2004 the 27<sup>th</sup> amendment was made to *Bunreacht na hÉireann* – the Irish constitution.<sup>3</sup> Consequently, asylum application numbers have been falling since 2005.<sup>4</sup>

The reform of the legislation providing for international protection of refugees has been mooted for several years now and has been widely supported as an area in need of reform across the Irish parliament – Dáil Éireann.<sup>5</sup>

Ireland has a long history of resettlement. The website of the Office for the Promotion of Migration Integration, which is the office responsible for resettlement in Ireland, lists the resettlement of Hungarian refugees in Ireland in 1956 as its first resettlement.<sup>6</sup> Chilean refugees were resettled in 1973, Iranians in the mid-eighties and refugees from the former Yugoslavia in the early nineties. Ireland now admits *"people for resettlement whether or not they satisfy the 1951 Geneva Convention conditions. Therefore the programme is seen as a humanitarian response."*<sup>7</sup>

It was not until 1998 that a government decision led to an actual resettlement programme being founded.<sup>8</sup> In 2005, the initial programme (for ten 'applicants' plus their immediate families) was expanded to two-hundred persons in total.<sup>9</sup> This quota was filled until the economic crisis began. Thereafter the continuing uncertain economic conditions have hampered the filling of Ireland's resettlement quota.

<sup>1</sup> <http://www.cso.ie/en/media/csoie/census/documents/census2011pdr/Pdf%203%20Commentary.pdf>

<sup>2</sup> <http://www.inis.gov.ie/en/INIS/Pages/PR12000003>

<sup>3</sup> That amendment changed the way in which Irish citizenship would be granted to children born on the island of Ireland. From then on, "...a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of the birth of that person, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless provided for by law."

<sup>4</sup> <http://www.orac.ie/pdf/PDFStats/Monthly%20Statistics/2012/2012%2001%20January%20ORAC%20monthly%20report.pdf>

<sup>5</sup> This legislation has been disrupted by general elections in 2007 and 2011. The Minister for Justice was recently questioned in the Dáil on the status of this reform, he stated: "the Immigration, Residence and Protection Bill 2010, which I restored to the Dáil order paper, comprehensively reforms and simplifies the current refugee status determination process. The Bill provides for the introduction of a single application procedure for the investigation of all grounds for protection and any other grounds presented by applicants seeking to remain in the State. This change of the processing framework will remove the current multi-layered and sequential processes associated with the existing system." <http://debates.oireachtas.ie/dail/2012/02/21/00338.asp>

<sup>6</sup> Available at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-overviewofrecentresettlementprogrammes-en>

<sup>7</sup> Interview for Know Reset with Martina Glennon (Assistant Principal Officer) and Elaine Houlihan (Executive Officer), Resettlement Unit, Office for the Promotion of Migrant Integration, conducted on the 5th of January 2012.

<sup>8</sup> Irish Government Decisions are the decisions taken by Cabinet when it meets. The cabinet is made up of the Taoiseach (Primeminister); Tánaiste (Deputy Primeminister); and the Ministers in government. The Attorney General of Ireland also attends Cabinet.

<sup>9</sup> Available at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-intro-en>

The number of applications for international protection to the Office of Refugee Applications Commissioner has fallen year after year since 2005. The peak for that office came in 2003 with almost seven and a half thousand applications. That figure dropped to a nine year low of almost 1,300 applicants in 2011. This continuing lowering, along with Ireland's low refugee recognition rate at first instance application has not influenced Ireland to increase resettlement beyond the 2005 decision to expand and certainly not since the financial crisis began. The 2005 decision to expand resettlement might be in direct response to the drop in numbers of applications at first instance. It seems that economic stability and continued low application rates would see Ireland's quota for resettling refugees increase but only after substantial economic recovery.

While Ireland has a resettlement programme and does not conduct ad-hoc resettlement, this does not mean that Ireland does not respond to "emergency requests" from the UNHCR and the EU. Responses to emergency requests are within the standing quota referred to above.<sup>10</sup> The latest example of such requests came through Ireland accepting "*requests from the UNHCR to accept refugees (ex-Libya) from Tunisia and to a call from the EU to accept refugees also ex-Libya, from Malta.*"<sup>11</sup> In recent years, Ireland has resettled refugees from Regional Protection Programmes (RPP) areas identified by the EU.<sup>12</sup> It is noteworthy that the relocation of refugees from Malta to Ireland has been realised within Irish annual resettlement quota.

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<sup>10</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

Asylum Profile	
<a href="#"><u>Number of protection status granted</u></a> <sup>13</sup>	24 (2011) 61 (2010)
Number of asylum seekers <sup>14</sup>	1,939 (2011) 1,290 (2010)
Resettlement Scheme	Programme-Based (since 1998)
Resettlement Quota <sup>15</sup>	200/year (since 2005)
I. Legal and Administrative Framework	
Asylum law / Aliens Act <a href="#"><u>Refugee Act 1996</u></a> , Number 17 of 1996.	<i>Specific provisions on resettlement:</i> “Programme Refugees” Section 24
Other basis of resettlement: <a href="#"><u>Government Decision, November 1998</u></a> <sup>16</sup>  <a href="#"><u>Government Decision, June 2005</u></a> <sup>17</sup>	Marked the start of Ireland’s resettlement programme. <sup>18</sup>  Allowed for the expansion of the resettlement programme from ten persons plus family members to 200 persons.
On-going or foreseeable project/reform	Reform of resettlement is unlikely. For the foreseeable future, all major policy decisions will be dictated by Ireland’s economic performance. This is also true of immigration and asylum.
II. Resettlement Policy and Related Involvements	
a) <i>On an ad hoc basis</i> <sup>19</sup>  1956  1973  1979-2000  1985  1992-2000  1999-2001	530 refugees from Hungary  120 refugees from Chile  212 <sup>20</sup> refugees from Vietnam  26 refugees from Iran  455 <sup>21</sup> refugees from the Former Yugoslavia (Bosnia)  1032 <sup>22</sup> refugees from Kosovo

<sup>13</sup> Source: Office of the Refugee Applications Commissioner.

<sup>14</sup> *ibid.*

<sup>15</sup> Source: Office for the Promotion of Migrant Integration.

<sup>16</sup> See: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-intro-en>

<sup>17</sup> See: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-intro-en>

<sup>18</sup> For the announcement of this in the Dáil, see: <http://historical-debates.oireachtas.ie/S/0157/S.0157.199812010007.html>

<sup>19</sup> Numbers refer to initial intakes only. See: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-overviewofrecentresettlementprogrammes>

<sup>20</sup> 591 persons admitted under Family Reunification process during the time period.

<sup>21</sup> 886 persons admitted under Family Reunification process during the time period.

<sup>22</sup> 31 persons admitted under Family Reunification process during the time period.

<p><b>b) On a programme basis</b><sup>23</sup></p> <p>Since 1998</p> <p>Since 2005</p>	<p><b>10</b> files</p> <p>The original programme was set up to resettle ten people plus their family members which usually worked out as between thirty and sixty people.</p> <p><b>200</b> persons</p> <p>While the refugee resettlement programme is characterised as being the only resettlement which now occurs in Ireland, this programme can react to a given humanitarian situation which arises. Taking refugees in response to a humanitarian situation which arises is still done but it occurs within the quota for the Irish resettlement programme.</p>
<p><b>c) “Temporary Resettlement”: Humanitarian Evacuation</b></p>	
<p><b>d) Through other Projects</b></p> <p><i>Governmental Level</i></p> <p>Cooperative arrangements</p> <p>The <a href="#">MORE Project</a> (Modelling of National Resettlement Process and Implementation of Emergency Measures), Dec. 2003-April 2005</p> <p><i>Non-Governmental Level</i></p>	<p>In resettling Burmese Rohingya in 2009, the Irish authorities were in touch with Canada and the UK who had already resettled Rohingya. The resettled communities were also put in touch with each other. In 2009, Ireland also took some refugees in cooperation with the UK. This was a Transnational EU funded project. Bulgaria and Belgium also participated in that initiative as they were considering participating in the resettlement programme.<sup>24</sup></p> <p>EU funded Project. The Project partners: Irish Ministry of Labour, Finland and the Reception and Integration Agency, Ireland in cooperation with the UNHCR, the International Organisation for Migration (IOM) and the European Council on Refugees and Exiles (ECRE).</p> <p>Aim: to develop comprehensive models for the resettlement process which can be utilised by other EU Member States and other countries. The main outcome of the Project was the production of a practical guide to the resettlement process.<sup>25</sup></p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p><i>From Guantanamo</i></p> <p><i>Intra-EU “Relocation”</i></p>	<p>In July 2009 it was widely reported in the press that Ireland would be resettling two prisoners from Guantanamo bay. The two identified were Uzbek nationals in origin.<sup>26</sup> Press reports in September of that year confirm this resettlement and state that the men had arrived on Irish territory. It is further stated that “A team from the Department of Justice is assisting them in a resettlement programme.”<sup>27</sup> No Uzbek resettlement is listed on the Department’s official statistics.<sup>28</sup></p> <p>Relocation from Malta in 2011. Inside the existing refugee programme and its quota.<sup>29</sup></p>

<sup>23</sup> Source: Office for the Promotion of Migrant Integration.

<sup>24</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

<sup>25</sup> The project is available at: [http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-7TCDXV11105525-en/\\$File/More%20Project%20Report-%20Shaping%20our%20future.pdf](http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-7TCDXV11105525-en/$File/More%20Project%20Report-%20Shaping%20our%20future.pdf)

<sup>26</sup> See: <http://www.guardian.co.uk/world/2009/jul/29/ireland-accepts-guantanamo-inmates>  
See also: <http://news.bbc.co.uk/2/hi/8174262.stm>

<sup>27</sup> See: <http://www.rte.ie/news/2009/0927/guantanamo.html>

<sup>28</sup> See: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-overviewofrecentrefugeeresettlementprogrammes2000-2011-en>

<sup>29</sup> Interview with Martina Glennon and Elaine Houlihan op.cit.

<b>Comments</b>	Adherence to the quota has fluctuated in recent years, apparently due to Ireland's current economic difficulties. It is unlikely that Ireland will fulfil its quota in the foreseeable future and expansion of that programme is not on the agenda and will not arise unless Ireland is able to again fulfil its quota on a regular basis.
<b>III. Resettlement Implementation</b>	
<u>Refugee Resettled</u> <sup>30</sup>	
2012	<p><b>49</b></p> <p><u>Country of Origin:</u> 23 DR of Congo, 5 Egypt, 1 Eritrea, 3 Ethiopia, 5 Iranian Kurd, 4 Liberia, 10 Somalia</p>
2011	<p><b>45</b></p> <p><u>Country of Origin:</u> 23 Sudanese, 1 Moroccan, 6 Iraqi, 6 Ethiopian and 9 Eritrean</p> <p><u>Gender:</u> 21 Male, 24 Female</p> <p><u>Age:</u> 16 in 0-14, 9 in 15-24, 14 in 25-44, 6 in Over 45 age</p> <p><u>Marital Status:</u> 17 Married, 28 Single</p> <p><u>Religion:</u> 1 Christian, 40 Muslim, 4 Orthodox</p>
2010	<p><b>20</b></p> <p><u>Country of Origin:</u> 16 Iraqi, 3 Burmese (Karen), 1 Syrian</p> <p><u>Gender:</u> 7 Male, 13 Female</p> <p><u>Age:</u> 8 in 0-14, 5 in 15-24, 3 in 25-44, 4 in Over 45 age</p> <p><u>Marital Status:</u> 8 Married, 12 Single</p> <p><u>Religion:</u> 4 Christian, 16 Muslim</p>
2009	<p><b>192</b></p> <p><u>Country of Origin:</u> 1 Afghan, 3 Cuban, 84 DR Congolese, 8 Iranian Kurd, 7 Iraqi, 4 Jordanian-Palestinian, 82 Burmese (Rohinga), 3 Stateless</p> <p><u>Gender:</u> 96 Male, 96 Female</p> <p><u>Age:</u> 96 in 0-14, 45 in 15-24, 36 in 25-44, 15 in Over 45 age</p> <p><u>Marital Status:</u> 35 Married, 143 Single, 14 Divorced/Widow/Separated</p> <p><u>Religion:</u> 89 Christian, 110 Muslim, 3 Unknown</p>
2008	<p><b>101</b></p> <p><u>Country of Origin:</u> 1 Chinese, 12 Cuban, 2 Eritrean, 3 Ethiopian, 6 Iranian, 5 Iraqi, 2 Russian (Chechnia), 71 Sudanese, 1 Syrian</p> <p><u>Gender:</u> 46 Male, 55 Female</p> <p><u>Age:</u> 46 in 0-14, 12 in 15-24, 30 in 25-44, 13 in Over 45 age</p> <p><u>Marital Status:</u> 24 Married, 71 Single, 6 Divorced/Widow/Separated</p> <p><u>Religion:</u> 84 Christian, 17 Muslim</p>

<sup>30</sup> Source: Office of the Refugee Applications Commissioner.

<p><b>a) Selection Criteria and Process – Pre-Arrival Phase</b></p>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p><a href="#">Section 24 of the Refugee Act</a> (as amended) provides that the Minister may, in consultation with the UNHCR and the Ministry for Foreign Affairs, admit people for resettlement whether or not they satisfy the 1951 Geneva Convention conditions.</p> <p>The majority of the refugees resettled are accepted based on UNHCR priorities and are referred through the UNHCR referral systems. Ireland does not exclude applications based on health issues unless the specific health issue cannot be dealt with by the national health service or it poses a threat to public health.</p> <p>Group resettlement is preferred. Individual cases are rare. Immediate family members are included in the quota. Therefore when an application is examined, care is taken to ensure that all of the nuclear family members are considered together at the time of application. The definition of “family member” for resettlement purposes, which includes unmarried children over the age of 18 years, is broader than that the definition of “family Member” in the Refugee Act 1996, as amended.<sup>31</sup></p> <p>Unaccompanied child cases are not accepted.</p> <p>Ireland favours receiving a “balanced” caseload, which may include a mix of “Women-At-Risk” cases, persons with disabilities and other special needs cases. There is no specific target for any category, although priority is said to be given to cases with Legal and Physical Protection Needs .</p> <p>In addition to the above eligibility categories, which reflect UNHCR’s standard eligibility criteria, Ireland also favours the inclusion of “community leaders” and “spiritual leaders” in resettlement selection .<sup>32</sup></p>
<p><b>Selection Process<sup>33</sup></b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> </ul>	<p>Resettlement is coordinated at a national level by the Resettlement Unit of the Office for the Promotion of Migrant Integration (OPMI), Department of Justice and Equality. Local Authorities and NGO’s play a very important role in the resettlement process. The programme must be administered within existing budgets using a mainstream model of service provision. There are ten government departments involved and an Inter-Departmental Working Group at national level has been established with representation from all ten Government Departments.<sup>34</sup></p> <p>The decision on who Ireland will accept for resettlement (i.e. the country of origin/country of refuge) is taken by the Minister for Justice and Equality in consultation with the Minister for Foreign Affairs and the UNHCR. The decision is informed by discussions held between resettlement countries worldwide at their biannual Working Group on Resettlement meetings and by information provided by the UNHCR during the Annual Tripartite Consultations on Resettlement.</p>

<sup>31</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

<sup>32</sup> UNHCR Resettlement Handbook, 2011.

<sup>33</sup> This section is written based on what the Office for the Promotion of Migrant Integration list as their ‘selection process’ on their website. Available at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-irishresettlementproc-en>

<sup>34</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

<ul style="list-style-type: none"> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>Applications for resettlement are submitted by the UNHCR and are examined by the Office for the Promotion of Migrant Integration. If considered necessary, (e.g. cases with medical or special needs) other Government Departments, the Health Service Executive and the Garda National Immigration Bureau are consulted.</p> <p>The resettlement process from an administrative perspective is as follows:<sup>35</sup></p> <p>Staff from the Resettlement Unit attend the Working Group meetings and Annual Tripartite Consultations on Resettlement where UNHCR present their priorities for the coming year.</p> <p>Based on these priorities, the resettlement team develop a proposal in consultation with the Department of Foreign Affairs and other units within the Department of Justice and Equality. This proposal is then submitted to the Minister for approval.</p> <p>Once the Minister gives approval to proceed, the Inter-Departmental Working Group meeting is called to discuss the proposal. The UNHCR and IOM are advised and the process of resettlement begins.</p> <p>At a later stage when the exact composition of the group is known, a second meeting of the Inter-Departmental Working Group is called to discuss the challenges of the caseload so that the various service providers can be put on notice to make the necessary preparations. This Inter-Departmental Working group is also kept informed of developments.</p> <p>The UNHCR and IOM have supported 'selection missions' in the past by providing information on the caseload, organised transport and interview space etc. Between 2005 and 2008 Ireland carried out selection missions to Jordan (Iranian Kurds), Thailand (Burmese Karen), Uganda (Sudanese), Bangladesh (Burmese Rohingya) and Tanzania (D. R. Congolese). During the missions, staff of the Office for the Promotion of Migrant Integration would present a two day question and answer information session. Ireland has conducted joint selection missions in the past with other resettlement countries.</p> <p>Due to the reduced numbers at the moment, no selection missions have taken place since 2008. Selection missions are thought of as the best form of selection but an emphasis is placed on being realistic about the benefits based on the costs and effort required by many organisations to organise such missions. It is thought that the numbers currently being taken do not warrant selection missions.<sup>36</sup> The primary reasons for the Irish authorities not undertaking any selection missions more recently is again based on economic realities facing the State. The fact that numbers in the resettlement programme have dropped means that selection missions are not needed for the 45 people resettled in 2011 or the 20 people resettled in 2010. Dossier selection is seen as adequate for resettling small numbers from various countries whereas a selection mission is needed if a large number are being taken from one specific place.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> </ul>	<p>The OPMI does not engage the IOM to carry out pre-departure cultural orientation. This option was explored and it was decided that it was not the best approach. The Irish authorities conduct pre-departure cultural orientation.</p>

<sup>35</sup> The following explanation is based on: *ibid.*

<sup>36</sup> *ibid.*



<ul style="list-style-type: none"> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>The IOM takes responsibility for the health screening of refugees being resettled to Ireland, for the securing of visas and travel documents, and for making their travel arrangements.</p> <p>There is an informal agreement between the Department of Foreign Affairs and Trade and the IOM in this regard.</p>
<p><b>Procedure Timing</b></p>	<p>Approximately 9 months before the arrival of a new group for resettlement, the resettlement team of the OPMI begins the process of preparing receiving communities.</p> <p>Ideally the decision should be taken by May of the year for the next year's programme. Being realistic, the current environment is not conducive to that.<sup>37</sup></p>
<p><b>Comments</b></p>	<p>The Irish standards for the procedure of resettlement are up to the highest international standards, but a greater level of pre-arrival planning would help to ensure successful resettlement and integration in the longer term.</p> <p>Recommendations: Local authorities are of vital importance to a successful resettlement and to this end there needs to be a large degree of notice given to local public service providers and authorities, as to the arrival of refugees for resettlement in their area. It is recommended that a standard set of time be enforced and that this time reflects the need for the local area to prepare properly for the arrival. This also allows for local government to apply for special funding to be provided in order to allow for extra demand in their locality.</p> <p>Furthermore, resettlement must take specific account of local services. Health facilities in particular must be able to meet this new demand and be easily accessible to resettled refugees. In this regard, any specific needs of refugees who are to arrive should be identified and specific plans made in conjunction with local authorities as to how these needs will be met. Educational needs and special requirements for the disabled in particular are salient here.</p> <p>Overall, feedback from local authorities of both positive and negative elements of their experience in resettlement should be actively sought for. This feedback should be used as inspiration for forming a loose template or planning guide for local authorities tasked with receiving resettled refugees for the first time.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p>Section 24, "Programme Refugees"</p> <p><a href="#">Refugee Act 1996, Number 17 of 1996</a></p>	<p>The legal status is as 'Programme refugee,' as provided under Section 24 of the Refugee Act, as amended. While a Programme refugee does not get Geneva Convention Status they get the same rights and entitlements that are attributable to a Convention Refugee under Section 3 of the Refugee Act 1996 as amended.<sup>38</sup></p> <p>After resettlement in Ireland, the status of the resettled refugee is specific within Irish legislation; they are what is called a 'Programme refugee.' Their rights are very similar to the ordinary Irish Convention refugee status. They do not receive any other form of protection such as subsidiary protection. Even if they have not been declared as refugees by the UNHCR, they will still gain 'Programme Refugee' status.<sup>39</sup></p>

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*

<sup>39</sup> *Ibid.*

<p><b>Rights granted</b></p> <p>Section 3 of the <a href="#">Refugee Act</a></p> <p>Residence</p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p> <p><i>Preparing local community</i></p> <p><i>Developing Integration Programme (Housing, health, education)</i></p> <p><i>Cultural orientation</i></p> <p><i>Counselling</i></p> <p><i>Language/Skills training</i></p> <p><i>Employment assistance</i></p> <p><i>Family Reunification</i></p> <p><i>Advice of Accessing Services Mentoring</i></p> <p><i>Training of local service providers</i></p> <p><i>Volunteer support</i></p>	<p>Provides for “The extension to refugees of certain rights” and applies the programme refugees the same way as ordinary status refugees.</p> <p>The right to reside in the State and to travel in or out of the State</p> <p>n/a</p> <p>n/a</p> <p>Local befriending programmes</p> <p>The same medical care and social welfare rights as an Irish citizen. Access to education and training like Irish citizens. Health screening after arrival.</p> <p>Culture/information/law and order; Money management; paying bills; Using banks, Post offices, Public transport.<sup>40</sup></p> <p>Professional counseling for survivors of torture provided by the NGO SPIRASI, part-funded by the government. This NGO specialises in helping victims of torture.</p> <p>Language training</p> <p>The right to seek and enter employment, to carry on any business, trade or profession like Irish citizens.</p> <p>Should an applicant decide to omit a member of the nuclear family at the time of application, and then seek to be reunited with that family member at a later date, this type of application would be at the discretion of the Minister.</p> <p>An introduction to service providers</p> <p>n/a</p> <p>n/a</p>
<p><b>Comments</b></p>	<p>The rights awarded to resettled refugees are to the highest international standards. Full rights of convention refugees are given. In certain circumstances, resettled refugees have an advantage over a convention refugee such as in terms of family reunification.</p> <p>Recommendations: It is suggested that the Office for the Promotion of Migrant Integration should consult with local authorities before making a decision to resettle a group to that area and more information should be provided pre-arrival to the local authority co-ordinating integration at the local level, to enable them to better plan to meet the refugees’ needs. One way in which this may be done is to facilitate formal contact between local authorities of the proposed resettlement and other local authorities who have already had experience of refugee resettlement. In this way best practice can be more easily identified for the benefit of all.</p> <p>A further suggestion is that during refugees’ time at the initial reception centre, detailed assessments of their educational and health needs should be undertaken, so that the local authority and local service providers can better prepare for their arrival. This is particularly true of more vulnerable cases or cases which have proved challenging in the experience of other local Irish authorities. The suitable integration of teenagers is an example of one such demographic. Language support and access to educational opportunities are a priority for these cases.</p>

<sup>40</sup> Presentation slides of Martina Glennon, Resettlement Unit, Office for the Promotion of Migrant Integration.

	Finally, while it is appreciated that the ‘low key’ media strategy adopted by the office is with the intention of facilitating integration and allowing resettled refugees to go about their new lives in a private fashion, it is suggested that this approach could be balanced with some media coverage. This would be with the aim of preventing misinformation to spread among the public and indeed promoting a more pro-active awareness and sympathy raising strategy within the public.
<b>c) Costs and Funding</b>	
<b>Funding</b> <i>-National Level</i>         <i>-ERF</i>	<p>The budget for resettlement is prepared as part of the budgetary process for the Office for the Promotion of Migrant Integration which is part of the Equality Division. The amount required is estimated based on the projected numbers to be accepted and actual costs in preceding years and the anticipated costs in the coming year. This is then put into the mix when preparing the budget for the whole Department. Negotiations then take place at Departmental level between this Department and the Department of Finance and the approved budget is redistributed accordingly. If the Department of Finance does not provide financing for the project then the project cannot proceed. This has not occurred to date.<sup>41</sup></p> <p>Details of the 2008 – 2013 ERF Multi-Annual Programme.<sup>42</sup></p> <p><u>Year €</u><sup>43</sup></p> <p><b>2008 185,000</b></p> <p><b>2009 202,000</b></p> <p><b>2010 200,000</b></p> <p><b>2011 200,000</b></p> <p><b>2012 200,000</b></p> <p><b>2013 200,000</b></p> <p>The figures are total figures for the ERF contribution to three Irish strategic priorities. One of these priorities specifically stated that “An objective of the strategy will be to enhance the resettlement programme at present being implemented in cooperation with the UNHCR.”<sup>44</sup> That priority is due to total €1,187,000 by 2013.</p>
<b>Costs</b>	n/a
<b>Comments</b> <u>Economic situation</u>	<p>Ireland could start resettling more refugees or at least fulfil its own quota again. “Of course, the Government could if approached by the UNHCR, in exceptional circumstances decide to provide additional resettlement places but this would require a Government Decision. I think that this is unlikely in the current economic environment.”<sup>45</sup> The economic situation of the Irish state means that even the unfulfilled existing quota must be considered at risk. Since the rise of uncertainty over the State’s finances, to a certain degree, there has been a general hardening of attitude to immigration.<sup>46</sup></p>

<sup>41</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

<sup>42</sup> An overview of the ERF in Ireland can be found at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/funding-fundforintegration-erf-en>

<sup>43</sup> These exact figures are taken from:

<http://www.integration.ie/website/omi/omiwebv6.nsf/page/funding-fundforintegration-erf-ModelMultiAnnual-en>

<sup>44</sup> Available at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/funding-fundforintegration-erf-ModelMultiAnnual-en>

<sup>45</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

<sup>46</sup> For example, the tightening of the Common Travel Area between Ireland and the UK. See: <http://www.rte.ie/news/2011/1220/border.html>

<p><u>Incoming Legislation</u></p>	<p>The economic deterioration can be seen as a threat to the continued existence of the programme: “The resettlement programme, like all other Government programmes is currently under review as part of the spending review taking place in each Department.”<sup>47</sup></p> <p>The incoming Immigration, Residence and Protection Bill 2010 will not impact on resettlement but focuses on streamlining the existing asylum process through a single procedure whereby all forms of protection are considered simultaneously. In the personal opinion of the interviewee: “I think it will have a positive impact. The status, rights and entitlements will be more clearly stated. It will separate large scale emergency situations (such as the Kosovan and Bosnian situation) from annual resettlement programmes. The new act clarifies entitlements with regard to travel and travel documents. Furthermore: “The period of waiting to apply for citizenship will change. At the moment there is an administrative arrangement whereby programme refugees can apply after three years. This will be normalised and will revert to 5 years residency before being eligible to apply. This is the same that applies to everyone else but there was an administrative arrangement that programme refugees could apply after three years. Other than that, I can see no major difference.”</p>
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<sup>47</sup> Interview with Martina Glennon and Elaine Houlihan, op.cit.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Italy***

Report written by

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**and reviewed by the Know Reset team**

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## Country Profile: ITALY

Italy underwent major changes during the 20th century which had a fundamental impact on its asylum profile. First, there has been the evolution from being a country of emigration to a country of immigration and from being considered a poor country to having wealth in the country. Second, the evolution of European integration has also had important effects on Italian asylum law. Finally the most recent evolution has seen Italy strengthening its control measures against illegal migration (the so-called, *Pacchetto Sicurezza*) in the face of a wave of irregular migration from the 'Arab spring', the resulting humanitarian crisis shows some of the limits of the current Italian framework for immigration and asylum.

It was not until 1989 that Italy issued a framework law for its asylum and immigration policy. This legislation was passed with an eye to future Italian participation in the Schengen system.<sup>1</sup> The decreto legge 416/1989, implemented in law by legge 39/1990, also called "legge Martelli", lifted the reservations that Italy had on the Geneva Convention of 28 July 1951 and introduced the first main framework for asylum law in a single article on asylum. During the 1990s, with the increasing numbers of request for refugee status, the centralised system for the determination of refugee status was in general acknowledged to be overburdened and inefficient. The Legge 30 luglio 2002, N°189, also known Legge Bossi-Fini, "Modifica della Normativa in Materia di Immigrazione e di Asilo" decentralised the procedure and provided for the creation of the Territorial Commission and in the process creating a simplified procedure.

Decentralisation of the system was also promoted by the Legge Bossi-Fini in the context of reception through the creation of "Sistema di protezione per richiedenti asilo e rifugiati" (SPRAR). The SPRAR system continues in the tradition of the Italian government to involve private actors (NGOs) into its reception and assistance activities. The SPRAR also conducts further decentralisation through the involvement of local communities especially in efforts for integration. For the moment, the system suffers from budget constraints and capacity limitations. These capacity limitations were especially felt after the 'Arab Spring' and the consequent migration flows toward Italy. As a result, the government issued various urgency measures to cope with the humanitarian crisis and adapt the capacity. The government requested and obtained help by the European Commission to sustain these efforts.

Following the insertion of resettlement as part of the EU priorities in Decision n. 537/2007/CE, Italy included resettlement in its 2009 and 2010 National Programmes in which it committed to resettled 50 refugees in 2009 and 2010 from Libya/Syria. The 2011 National Programme does not make mention of resettlement and focuses on the emergency situation that has evolved from the 'Arab spring'.<sup>2</sup>

Italy does not have a specific legal basis for resettlement projects but it still has resettled on an *ad hoc* basis. The first project, called Oltremare I, was started in 2007 as a pilot. It was followed by a second Oltremare project (Oltremare II), which took place in 2008/2009 mainly for the purpose of allowing family reunions with the first group of resettled refugees. The third project, promoted by the European Commission, involved Palestinian refugees from the camp Al Tanf situated at the frontier between Syria and Iraq who were resettled in Italy in 2009. The last project was the result of two 'humanitarian resettlement' operations which took place in 2011 and saw Eritreans resettled from Libya.

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<sup>1</sup> Christophe Hein links the Legge Martelli to the Schengen process at the European level. See: Christopher Hein, "Storia del diritto d'asilo in Italia", in Christopher Hein (ed.) *Rifugiati vent'anni di storia del diritto d'asilo in Italia*, 2010

<sup>2</sup> For the National Programmes, see: <http://www.serviziocentrale.it/?Inglese&i=13>; SPRAR reports: <http://www.serviziocentrale.it/?Documenti&i=7>

Asylum Profile	
<a href="#"><u>Number of protection status granted</u></a> <sup>3</sup>	10,288 (2011) 7,558 (2010)
Number of asylum seekers <sup>4</sup>	37,350 (2011) 12,121 (2010)
Resettlement Scheme	Ad hoc
Resettlement Quota	/
<i>I. Legal and Administrative Framework</i>	
<b>Asylum law / Aliens Act</b> Legge 39/1990, also called " <a href="#"><u>Legge Martelli</u></a> " Decreto Legislativo 286/1998, also known as " <a href="#"><u>Testo Unico</u></a> " Legge 189/2002, known as <a href="#"><u>Bossi-Fini</u></a> , implemented by Decreto del Presidente della Repubblica 303/2004 Legislative decree 140/2005 <sup>5</sup> . <a href="#"><u>Decreto Legislativo 251/2007</u></a> <a href="#"><u>Decreto Legislativo 25/2008</u></a> Decreto Legislativo 159/2008 <sup>6</sup> Ministerial decree 6 March 2008	<p>There is no specific provision on resettlement, neither is there a provision explicitly allowing for resettlement procedures.</p> <p>The procedure for requesting international protection has to start from the Italian territory and cannot be started from abroad. Therefore, resettled persons have to apply for a protection status having already arrived on Italian territory.</p>
<b>Other basis of resettlement:</b>	/
<b>On-going or foreseeable project/reform</b>	<p>Since 2006-2007 there have been several proposals for asylum law reform oftentimes initiated by the CIR and with the involvement of other NGOs acting in the field of asylum (such as the Centro Astalli) and various groups of deputies and senators. The draft proposals of law aim at simplifying the legislative framework and at creating a single code of law for Asylum and Refugee Law distinct from the legislative framework on immigration. The projects include a specific provision on resettlement. This provision would provide for the abolition of the distinction made between "pre-arrival" (selection) and "post-arrival" (determination of status) phases and would allow a single procedure for</p>

<sup>3</sup> SPRAR report 2010-2011. Note: In Italy, both local and national authorities have right to give protection status to refugees. Therefore, the numbers in 2010 and 2011 refer to only the protection status given by national authorities.

<sup>4</sup> Document on statistics : <http://www1.interno.it/mininterno/export/sites/default/it/temi/asilo/sottotema009.html>

<sup>5</sup> [http://www.serviziocentrale.it/file/server/file/D\\_Legislativo%20n\\_140-2005.pdf](http://www.serviziocentrale.it/file/server/file/D_Legislativo%20n_140-2005.pdf)

<sup>6</sup> <http://www.camera.it/parlam/leggi/deleghe/testi/08159dl.htm>



	<p>the recognition of international protection which could already be initiated from abroad. This procedure would only be limited to certain categories of refugees who are participating in a resettlement project. The “pre-arrival” procedure would then consist both of the selection and status recognition phase. The provision foresees that statuses granted under this particular resettlement procedure will be identical in terms of the rights and benefits as those granted by the ordinary procedure.</p> <p>This would effectively make Italy a resettlement country with a defined resettlement quota over three-year periods.<sup>7</sup></p>
<h2>II. Resettlement Policy and Related Involvements</h2>	
<p>a) <u>On an ad hoc basis</u></p> <p><b>Project 1: Oltremare I (started in 2007)</b></p> <p><b>Project 2: Oltremare II (2008-2009)</b></p> <p><b>Project 3: Reinsediamento a sud (2009-2010)</b></p> <p><b>Project 4: Eritreans from Libya (2011)</b></p>	<p>Projects.<sup>8</sup></p> <p>Pilot project to receive 39 nationals of Eritrea, from the camp of Misratah (Libya) where they were detained with a threat of <i>refoulement</i>. They were resettled in Cantalice and the province of Rieti (mainly women and some children).</p> <p>30 (circa) Eritreans from Libya to Cantalice and Poggio Moiano, near Rieti (mainly family members of the refugees in Oltremare I).</p> <p>Commitment to resettle circa 50 Palestinians from the camp of Al Tanf (Iraq/Syria) to Riace, Caulonia and Stignano (Calabria).</p> <p>Two ‘Humanitarian Resettlement’ Operations for the reception of Eritreans from Libya. Resettled to the CARA of Salina Grande (Trapani) and from there they were resettled within the province of Campania.</p>
b) On a programme basis	/
c) “Temporary Resettlement”: Humanitarian Evacuation	n/a
d) Through other Projects	
Governmental Level	n/a
Non-Governmental Level	n/a
e) “Resettlement-like” experience	
From Guantanamo	<p>The Italian Ministry of Foreign Affairs had apparently discussed the possibility of resettling a former detainee but there does not seem to have been any further developments on the grounds of public security issues. Decision rested on the Ministry of Internal Affairs.</p>

<sup>7</sup> Proposta di legge N°447 d’iniziativa dei deputati ZACCARIA, AMICI, D’ANTONA, FERRARI, GIOVANELLI, Disciplina del diritto di asilo e della protezione sussidiaria Presentata il 29 aprile 2008  
<http://parlamento.openpolis.it/atto/documento/id/2378#PD>;

Disegno di Legge del 10 Novembre 2008, N 1221, Disciplina del diritto di asilo e della protezione sussidiaria, d’iniziativa dei senatori MARCENARO, MARINARO, MONGIELLO, DI GIOVAN PAOLO, DELLA MONICA, DELLA SETA

<sup>8</sup> For Oltremare projects, numbers and details taken from the CIR website:  
<http://www.cir-onlus.org/Progetto%20Oltremare.htm>; for the other projects number and details taken from the CIR.

Intra-EU "Relocation"	Intra-EU relocation, or at least more burden-sharing between border countries and other EU countries, is often discussed in Italian public political discourse. <sup>9</sup> Considering the recent problems in managing the consequences of the 'Arab spring', Italy would probably not be opposed to starting a discussion on intra-EU relocation, yet from the perspective of a sending State rather than a receiving State. As shown by the numbers given in the National Program of 2011 and of the SPRAR report 2010-2011, Italy has problems with its current reception capabilities.
<b>Comments</b>	Discussions were on-going on the fate of the Iranian refugees from camp Ashraf in Iraq. <sup>10</sup> Italy has discussed with UNHCR the possibility for their resettlement. However the discussions are still at the early stages.
<b>III. Resettlement Implementation</b>	
<u>Refugees resettled</u>  2011   2009/2010   2008/2009	<b>108</b> <u>Country of Origin: 108</u> (Eritrea and Ethiopia) <u>Country of First Asylum: 108</u> (Libya)  <b>179</b> <u>Country of Origin: 179</u> (Palestine) <u>Country of First Asylum: 179</u> (Iraq)  <b>30</b> <u>Country of Origin: 30</u> (Eritrea) <u>Country of First Asylum: 30</u> (Libya)
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b> <ul style="list-style-type: none"> <li>UNHCR Criteria</li> </ul>	<p><u>Oltremare I</u> was led by the Ministry of the Interior in partnership with its implementing partners, CIR and the Province of Rieti / Municipality of Cantalice, and with the support of UNHCR. UNHCR in Tripoli selected refugees on the basis of their vulnerability and prepared dossiers that were transmitted to the Italian authorities. The refugees were all ex-prisoners detained in the camp of Misratah in Libya and were at risk of being expelled from Libya.</p> <p><u>Oltremare II</u>: UNHCR selected refugees on the basis of their vulnerability and the family relationship with those previously resettled under the project "Oltremare I " who had no possibility to meet with family reunification criteria.</p> <p><u>Reinsediamento a sud</u>: The Italian government accepted to resettle 179 Palestinian refugees recognised under the UNHCR mandate living in very harsh conditions in the Al Tanf camp situated at the Syrian-Iraqi border.</p>

<sup>9</sup>

[http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala\\_stamp/parole/asilo/0746\\_2008\\_09\\_08\\_parigi\\_conferenza\\_asilo.html](http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stamp/parole/asilo/0746_2008_09_08_parigi_conferenza_asilo.html)

<sup>10</sup> [http://www.esteri.it/MAE/IT/Sala\\_Stampa/ArchivioNotizie/Comunicati/2011/12/20111227\\_ashrafUNAMI.htm](http://www.esteri.it/MAE/IT/Sala_Stampa/ArchivioNotizie/Comunicati/2011/12/20111227_ashrafUNAMI.htm)

<ul style="list-style-type: none"> <li>Additional National Criteria</li> </ul>	<p><u>The 2011 resettlement</u>: As opposed to previous resettlement operations, this one took place without the involvement of UNHCR and IOM and not all persons had been recognised under the UNHCR mandate in Libya. Following an appeal made by the Bishop of Tripoli, Habeshia Association and CIR, a political agreement was reached between the Ministry of Interior and the Ministry of Foreign Affairs to urgently evacuate these persons through an operation conducted by the Italian Air Force. No visa was issued to these protection seekers who were admitted to the ordinary asylum procedure upon arrival.</p>
<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>Deploying Staff</li> <li>Actors involved in refugee status determination</li> <li>Dossiers</li> <li>Missions</li> </ul>	<p>n/a</p> <p>The quotas for the resettlement project are normally decided in negotiation. The Ministry for Foreign Affairs has had also a role in negotiating the quotas but the final decision is taken by the Ministry for Internal Affairs. The projects are then initiated on the basis of an informal agreement between the Ministry of Internal Affairs and the UNHCR. After the informal political decision is taken, the Ministry of Internal Affairs issues an internal decision which allowed the embassies to issue the visas for the resettled refugees.</p> <p>The selection procedure of a resettled refugee is mainly done by UNHCR and officers of the Ministry only assess the dossiers on grounds of national security issues after the UNHCR selection has been done. It was only in the framework of the third project that a mission was organised. This mission went to Iraq and was organised by the Ministry of Internal Affairs to assess the situation there. Once the selection is complete, visas are issued (normally temporary short term visa) and the resettled refugees are transported to Italy.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>Cultural orientation (CO)</li> <li>Assistance with travel documents</li> <li>Medical screening</li> </ul>	<p>No</p> <p>IOM assisted resettled refugees in obtaining travel documents and made travel arrangements. Refugees were accompanied to Italy by IOM officers.</p> <p>IOM</p>
<p><b>Procedure Timing</b></p>	<p>n/a</p>
<p><b>Comments</b></p>	<p>Cultural orientation should be provided before departure in order to manage refugees' expectations.</p> <p>The division between "pre-arrival" selection and "post-arrival" evaluation of the status makes it too long a process. Some refugees refused to apply for their status upon arrival. The draft law proposal mentioned above would simplify the matter by arranging for an assessment of the status at the same time as the selection process.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p><a href="#">Legislative decree 251/2007</a></p>	<p>The law in force foresees the recognition of two different statuses of international protection: refugee status and subsidiary protection.</p> <p>Resettled persons have to apply for their status upon arrival. Procedure to obtain the status follows the simplified procedure foreseen in Italian law for requesting international protection. Requests are done through the compiling of the document form ("modulo C3") at the Police</p>

	<p>Office of the customs. In the first projects, the forms were not provided immediately while in the subsequent projects requests were filed directly at the airport.</p> <p>Decision on the status is decentralised and falls under the responsibility of the Territorial Commission. For the resettlement project in the province of Rieti, the competent Territorial Commission was Rome; for the third projects with resettlement in Calabria, the Territorial Commission was the one of Crotone and finally the last project as the resettled refugee transited through Salina Grande, the requests were assessed to Territorial Commission of Trapani.</p> <p>The fourth project also involved an interview by the Territorial Commission of Trapani. In the previous projects the Territorial Commissions involved did not request an interview but still made an appraisal of the documents received to decide on the status to grant the applicant. Normally interviews are the central part of the evaluation of requests by the Commission but the Territorial Commission can decide to omit it if it considers there are sufficient grounds to accept the request for refugee status without it. The Territorial Commission of Trapani required the interview as, unlike the previous projects, it granted diversified statuses (either refugee or subsidiary protection status) on a case by case evaluation.</p>
<b>Rights granted</b>  <i>Residence</i>  <i>Airport Arrival</i>  <i>Info upon arrival</i> <i>Preparing local community</i>  <i>Developing Integration Programme (Housing, health, education)</i> <i>Cultural orientation</i>  <i>Counselling</i>  <i>Language/Skills training</i>  <i>Employment</i>	<p>Refugee status automatically awards a residence permit for a period of five years renewable. It grants rights with regard to family reunification and gives a document for Schengen movements as well as access to the labour market, study, health assistance and free movement, integration and housing. Similar rights are given to those benefiting from subsidiary protection, however that status grants a permit of stay of three years only.</p> <p>Italian authorities, UNHCR, IOM, CIR, RCO'S Habeshia received the persons to be resettled at Fiumicino airport for the "Oltremare 1 and 2" projects. Reinsediamento a sud: Ministry of Interior, UNHCR, IOM.</p> <p>Info were provided soon after arrival.</p> <p>No. However, some events were organised in Calabria by the local Municipalities</p> <p>Municipalities were directly involved in providing integration services in partnership with some NGOs. CIR supervised the work of social assistants.</p> <p>Cultural orientation was provided on the rights and duties of refugees, on Italian society, on the ways in which resettled persons could establish relationships with the Italian Institutions and local resources and services.</p> <p>Legal/social/psychological counselling and assistance were provided. CIR provided counselling to the social assistants of Municipalities who had direct contact with resettled refugees. Counselling and assistance for integration (social, labour, housing, schooling, health, etc..) were provided.</p> <p>Italian classes were provided from teachers with no experience in dealing with foreigners in Oltremare 1 and Oltremare 2.</p> <p>Refugees benefitted from job counselling, however due to the high level of unemployment they had few possibilities for integration. Scarce public transportation services contributed to a reduction in the possibilities to meet relatives and friends, to access services, qualified training courses and to find a suitable job.</p>

<p><i>Family Reunification</i></p> <p><i>Advice of Accessing Services</i></p> <p><i>Mentoring</i></p> <p><i>Training of local service providers</i></p> <p><i>Volunteer support</i></p> <p><i>Housing</i></p>	<p>Refugees do not have to meet the criteria of housing and income for family reunification. However, they faced certain bureaucratic problems in proving the family/parental relationship. Thanks to "Oltremare II", in fact, many family members could be reunited although they did not meet the family reunification criteria.</p> <p>Municipalities and NGOs provided these services but they were not adequate.</p> <p>Social assistants offered mentoring support but it was not always ensured and not so qualified.</p> <p>No</p> <p>No</p> <p>Local Municipalities were directly involved in providing independent housing. Refugees were living in independent houses in uninhabited areas put at their disposal by municipalities due to the fact that Italians left these areas due to high level of unemployment.</p>
<p><b>Comments</b></p>	<p>Information provided upon arrival was inadequate. Service providers in municipalities were not sufficiently qualified/trained to deal with refugees and to identify their training and professional skills and offer jobs. Vocational training and jobs offered did not correspond to the skills and wishes expressed by the resettled refugees. Isolation and the lack of public transportation were also obstacles in looking for more suitable jobs in distant places.</p> <p>With the high unemployment and scarce presence of public transportation in the area, refugees faced huge difficulties in having access to local services.</p> <p>Between May and June 2011, about 150 Palestinians with no job opportunities and possibility to locally integrate decided to move to Sweden where their family members were resettled from the Al Tanf camp. They tried to be admitted to the asylum procedure in Sweden accusing Italy of having putting them in a very dangerous situation and that the local mafia had threatened them. They were informed that in Sweden they would obtain better assistance and opportunities of integration. However, Swedish authorities decided to send them back to Italy. The first return operation started in the middle of March 2012 when 47 Palestinian refugees were transferred to Italy.</p> <p>No job opportunities, isolation and frustration were elements that made a large number of refugees, in particular Palestinian, leave Italy and move to another EU Member State. Italy points to the lack of funds to explain these problems with integration.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> <li>– UNHCR, after selecting refugees, should share information on individual cases with municipalities and NGOs assisting refugees to plan suitable and adequate integration services in line with refugees' needs. This would allow municipalities and NGOs to plan ahead and use resources efficiently. The information is vital for effectively planning appropriate medical and psycho-social care.</li> <li>– Cultural orientation should be provided before arrival and also offered after arrival in order to lower expectations. It should present the rights and duties of refugees, information about Italian society and information as to how to establish relationships with public institutions and local services.</li> <li>– Trainings should be provided for municipality service providers and public welfare officers.</li> </ul>

	<ul style="list-style-type: none"> <li>Capacity building and increased resources (staff and budget) should be ensured to municipalities involved in managing houses and providing services to resettled refugees.</li> </ul>
<b>c) Costs and Funding</b>	
<b>Funding</b> <ul style="list-style-type: none"> <li>National Level</li> <li>Local Level</li> <li>ERF</li> </ul>	<p>The main budget for asylum activities is the <i>Fondo Nazionale per le Politiche ed i Servizi dell'Asilo</i>. It is managed by the Ministry of Internal Affairs and it finances the projects up to 80%. The rest is covered by local community's resources.</p> <p>Total contributions in 2010:  Ordinary: 23,396,696.99 Euro  Vulnerable categories: 6,512,242.18 Euro</p> <p>A contribution was also given to asylum projects by the <i>8 per Mille</i><sup>11</sup>. However this contribution stopped in 2010.<sup>12</sup></p> <p>ERF Contributions:<sup>13</sup></p> <p>(ERF I) period 2000-2004 Euro 11,000,000 (ERF II) period 2005-2007 Euro 6,500,000.</p> <p>ERF III:</p> <ul style="list-style-type: none"> <li>2008: Euro 2,821,520.30 (for measures of urgency 7,088,000.00 Euro were assigned)</li> <li>2009: Euro 4,470,81.00</li> <li>2010: Euro 7,202,618.28</li> <li>2011: Euro 7,740,535.42 (for measures of urgency 6,850,000.00 Euro were assigned)</li> </ul> <p>Total ERF over the period 2008-2010 was 22,236,080 Euro, equivalent to 6.52% of the total Member States contributions. It is the 4<sup>th</sup> highest contribution (the first being the contribution to Sweden, the second to France and the third to Germany).<sup>14</sup></p> <p>The fourth project was entirely funded by EU funds<sup>15</sup> (ERF III contributions and Programma Operativo Nazionale (PON) Sicurezza per lo sviluppo).<sup>16</sup> It also received EU funds for the third project.</p>
<b>Costs</b>	<p>Nothing available specifically for resettlement, however in both the National Program of 2009 and 2010, resettlement of 50 refugees was estimated to have a cost of 200,000 euros.<sup>17</sup></p>
<b>Comments</b>	<p>Italy started pilot projects of resettlement under the Prodi government in 2007. Proposals of asylum law reforms in Italy since then include an express provision on resettlement but this design of law has yet to be adopted.<sup>18</sup></p>

<sup>11</sup> Sandra Sarti, *L'Italia dei rifugiati*, Settembre 2010. The *8 per mille* law allow citizens to choose whether to give 8 per thousand from their annual income tax to public or church lead social assistance programs.

<sup>12</sup> SPRAR report 2010-2011

<sup>13</sup> <http://www1.interno.it/mininterno/export/sites/default/it/temi/asilo/sottotema010.html>

<sup>14</sup> See the document „*Figures on the allocation by EU State for each Funds*” on the European Commission website: [http://ec.europa.eu/home-affairs/funding/refugee/funding\\_refugee\\_en.htm](http://ec.europa.eu/home-affairs/funding/refugee/funding_refugee_en.htm)

<sup>15</sup> Sandra Sarti, *L'Italia dei rifugiati*, Settembre 2010; see also National Program 2010, which expressly included the possibility of using the PON funds and not only the ERF funds for the resettlement projects.

<sup>16</sup> The PON is co-financed by the European Regional Development Fund: <http://www.ponrec.it/programma/obiettivi-e-finalit%C3%A0.aspx>

<sup>17</sup> see: <http://www.serviziocentrale.it/?FER&i=12&s=21>

<sup>18</sup> On the different drafts of law, links can be found on the website of the Italian Council for Refugees (CIR): <http://www.cir-onlus.org/PROPOSTA%20CIR%20LEGGE%20ASILO.htm>



	<p>However it also shows how a pre-defined procedure would help clarify for the situation for all parties in the “pre-arrival” phase of resettlement and make resettlement less dependent on political circumstance and will. This would in particular benefit officials involved in the initial phase of the projects who are not used to proceeding without a clear and legally specified mandate for action; until now they have relied upon the high level political decision and the absence of clear legal prohibition as the main basis for initiating projects.</p> <p>The current stagnation, both in terms of resettlement projects and in terms of reforms, is due both to a cautious political will<sup>19</sup> and to the insufficient reception capacity currently operating. This was originally due partly to the change in government from the Prodi led government to the Berlusconi government which changed priorities in the field. However it is also due to the serious humanitarian problems that Italy has faced since the ‘Arab spring’. Finally there is a certain perception among officials that the projects were not successful. In particular some refugees resettled in Italy tried to reach Scandinavian countries where benefits and integration are more consistent. This problem is not in reality a problem connected to resettlement <i>per se</i> but to reception and integration capabilities (in particular due to costs of reception). Italy has been a pioneer in creating multi-governance networks involving both private organisations (NGO) and local communities in asylum projects.<sup>20</sup> However comparable programmes provide better integration opportunities and better welfare assistance in other EU countries (such as to Scandinavian countries).<sup>21</sup> To examine other funding possibilities, the third and fourth resettlement projects in Italy used EU funds. Currently resettlement still does not seem high on the political agenda notwithstanding the change in government. This is probably due to the current economic and financial crisis of Italy leading to other political priorities and the continuing emergency from the effects of the ‘Arab spring’.</p> <p>Many Italian NGOs, news websites and also Italian local authorities<sup>22</sup> have considered the new European Program on resettlement as potentially offering a solution to the humanitarian crisis by offering a safer route to ask international protection from abroad and share the responsibilities and financial costs for reception with other European countries. However the impact of resettlement programmes on the inflows of refugee through unsafe channels will largely depend on the quotas. So that resettlement can be seen as a way to alleviate but most probably will not be sufficient to solve some of the problems faced by Italy in assisting refugees, which will require further capacity building and improved integration.</p>
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<sup>19</sup> Italy is currently not among the Member States that will participate in the new EU project of joint resettlement. Still the Parliament is discussing the matter with civil society involved in asylum. See: <http://www.aise.it/migrazioni/rifugiati/110005-reinsediamento-di-richiedenti-asilo-e-rifugiati-cir-le-tragedie-nel-mediterraneo-devono-finire-.html>

<sup>20</sup> Interview and other documentation : Réseau académique d’études juridiques sur l’immigration et l’asile en Europe, *Comparative overview of the implementation of the directive 2003/9 of 27 January 2003 laying down minimum standards for the reception of asylum seekers in the EU Member States*, October 2006 [http://ec.europa.eu/home-affairs/doc\\_centre/asylum/asylum\\_studies\\_en.htm](http://ec.europa.eu/home-affairs/doc_centre/asylum/asylum_studies_en.htm); *National Report done by the Odysseus network for the European Commission on the implementation of the directive on reception conditions for asylum seekers in Italy*, 2006 [http://ec.europa.eu/home-affairs/doc\\_centre/asylum/asylum\\_studies\\_en.htm](http://ec.europa.eu/home-affairs/doc_centre/asylum/asylum_studies_en.htm); <http://atlas-conferences.com/c/a/m/l/43.htm>;

<sup>21</sup> *Idem*

<sup>22</sup> See footnote 59 but also: <http://www.programmaintegra.it/modules/news/article.php?storyid=5693>; <http://www.euractiv.it/it/news/sociale/5088-immigrazione-pe-approva-aiuti-per-asili-una-parte-per-italia.html>; <http://asiloineuropa.blogspot.de/2012/03/il-programma-comune-di-reinsediamento.html#more>



## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Latvia***

Report written by

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**and reviewed by the Know Reset team**

July, 2013

## Country Profile: LATVIA

Latvia could be characterized as having conservative immigration policy, which is in line with the current EU legal requirements in the area of immigration. Latvia belongs to the group of EU Member States, which places greater emphasis on addressing labour shortages primarily by utilizing the national workforce, to the extent that Latvia has not elaborated a strategy for using economic migration to meet the demand for labour. After accession to the European Union, Latvia experienced the emigration of nationals of working age to other Member States, which led to notable labour shortages in its domestic labour market<sup>1</sup>. The ensuing debate focused on how to fill the shortages through policies designed to entice back the labour which had left and the stimulation of the domestic workforce. Also on the agenda was the use of a migrant workforce which resulted in the establishment of the Migration Policies Working Group. In July 2006, the Working Group drafted Concept for Migration Policies in Connection with Employment, which had, as one of its aims, to simplify admission procedures for third-country nationals<sup>2</sup>. However it was not been approved as the economic crisis of 2008 and the increasing unemployment of Latvian residents ended any significant discussion on this point.

The current legal and institutional framework for asylum and migration system in Latvia does not stipulate any provision for the resettlement opportunities. No special decision making mechanisms exist on this issue and the budget for the subject matter is provided. The regulation of asylum and migration issues is provided in the Asylum Law and the Immigration Law. In total, 663 persons applied for asylum within the period of 1 January 1998 - 7 December 2011. So for the period of 1998 -2010 there were 367 asylum seekers, but within 11 months of 2011 alone - 335 asylum seekers. This increase put a lot of pressure on the reception services for asylum seekers. Thus, the official opinion is that any resettlement-related measures would strain the reception capacity even further<sup>3</sup>.

According to public officials, a majority of current asylum seekers openly acknowledge the fact that Latvia was not their country of destination and that they were en-route to the Nordic countries or Western European countries but have been stopped in Latvian territory or at its borders and applied for asylum. Some of the persons who were granted international protection left soon after receiving the necessary personal and travel documents. It should be noted that Latvia does not have any cases before the Court of the European Union in relation to its immigration and asylum legislation and the quality of its transposition of EU directives, its application or interpretation of the harmonized national legislation.

The public institutions of Latvia are still in the process of further optimizing and decreasing their budget due to the economic crisis of 2008-2012. These budgetary cuts make the introduction of any resettlement programme extremely unlikely<sup>4</sup>.

The consequences of the financial crisis, the absence of large diasporas of third country nationals, the absence of NGOs, and high unemployment rates in Latvia put some restraints on integration capacities as part of reception capacity in its broader scope.

There are no political debates about refugee resettlement - and there has been no such debates since establishment of the asylum system of Latvia at the end of 1997 - at the level of the Government or of the Parliament, which would indicate any particular interest in introducing the resettlement schemes and the relevant legal and institutional framework in Latvia.

Taking into account that so many elements play an important role in a resettlement process and most of them are of long term perspective, Latvian officials expressed the strongly held belief that participation in resettlement actions should be seen as voluntary that respects reception capacity of a Member State. Otherwise permanent resettlement schemes based on statistics will only cause sporadic secondary movement within the EU and could endanger the Common European Asylum System<sup>5</sup>.

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<sup>1</sup> The European Migration Network, "Satisfying Labour Demand through Migration", June 2011, pp.33-34.

<sup>2</sup> Ibid.

<sup>3</sup> Based on the records of the major points of interview with the State Secretary of the Ministry of Interior, Republic of Latvia, Mrs. Ilze Pētersone-Godmane.

<sup>4</sup> Article "Finance Minister: Latvia has consolidated 2.3 billion lats in three years", December 5, 2011, available at <http://bnn-news.com/finance-minister-latvia-consolidated-2-3-billion-lats-years-42711> (last time checked on February 16, 2012). Interview with the State Secretary of the Ministry of Interior, op.cit.

<sup>5</sup> Based on the records of the major points of interview with the State Secretary of the Ministry of Interior, ibid.

Asylum Profile	
<a href="#"><u>Number of protection status granted</u></a> <sup>6</sup>  <b>Number of asylum seekers</b> <sup>7</sup>  <b>Resettlement Scheme</b> <b>Resettlement Quota</b>	<p><b>18</b> (2011)</p> <ul style="list-style-type: none"> <li>– <b>6</b> Refugee Status</li> <li>– <b>12</b> Other Protection</li> </ul> <p><b>25</b> (2010)</p> <ul style="list-style-type: none"> <li>– <b>7</b> Refugee Status</li> <li>– <b>18</b> Other Protection</li> </ul> <p><b>296</b> (2011)</p> <p><b>61</b> (2010)</p> <p>None</p> <p>/</p>
<i><b>I. Legal and Administrative Framework</b></i>	
<p>Asylum law / Aliens Act</p> <p><a href="#"><u>Asylum Law 27/2008</u></a>, 30<sup>th</sup> June 2009.</p> <p><a href="#"><u>Immigration Law</u></a> of October 31, 2002 (with subsequent amendments, which were adopted until May 26, 2011).</p>	<p>The current legal and institutional framework for asylum and migration system in Latvia does not stipulate any provisions for resettlement opportunities. The issues of reception of asylum seekers in accordance with the provisions of the Asylum Law are dealt with by the Office of Citizenship and Migration Affairs under the Ministry of Interior.</p>
Other basis of resettlement:	/
<b>On-going or foreseeable project/reform</b>	<p>No changes to the legal or institutional framework are planned. The issue of the resettlement is not a domestic priority at the moment. There are no political debates about this issue. It was discussed by the institutions, which are responsible for migration and asylum issues, the Government and the Parliament as part of EU-agenda related issues (e.g. formulating the positions for the Council when the proposal on resettlement was examined).</p>
<i><b>II. Resettlement Policy and Related Involvements</b></i>	
<b>a) On an ad hoc basis</b>	/
<b>b) On a programme basis</b>	/
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	/
<b>d) Through other Projects</b>  Governmental Level  Non-Governmental Level	/

<sup>6</sup> Source: Latvian Office of the Citizenship and Migration Affairs.

<sup>7</sup> Source: Latvian Office of the Citizenship and Migration Affairs.

<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>According to local news agencies in July 2010, Latvia received one person from Guantanamo. His identity is not disclosed, there was just short announcement by the Ministry of Foreign Affairs and the Ministry of Interior. No additional information was publicly available on this subject. This action did not receive any further continuation<sup>8</sup>.</p> <p>None</p>
<p><b>Comments</b></p>	<p>Latvia is not involved into any resettlement programme and does not have any national resettlement plans at present.</p>
<p><b>III. Resettlement Implementation</b></p>	
<p><b>Refugees resettled</b></p>	<p>None</p>
<p><b>Comments</b></p>	<p>Geographical location obviously matters when it comes to the challenges in managing migration and asylum flows. The majority of current asylum seekers do not aim to settle in Latvia but just arrived in the country in transit. They do not want to stay in Latvia and leave it as soon as they obtain travel documents.</p> <p>This, in conjunction with socio-economic conditions in Latvia and the fact that Latvia does not have a large diaspora of third country nationals from defined resettlement priority regions, means that there is a high probability that resettlement to Latvia would simply result in secondary movement within the EU as the majority of the resettled persons afterwards will most likely move away from Latvia.</p> <p>The public institutions of Latvia are still in the process of further optimizing and decreasing their budget due to the economic crisis. The idea that the EU may grant certain funding to favour resettlement is welcomed, however EU funding for the initial transfer of the person to Latvia will not cover the substantial costs of their reception and integration.</p> <p>In addition, not all of the necessary conditions can be in order to carry out successful resettlement activities can be established simply by providing financial assistance.</p> <p>The limited reception capacity of Latvia also plays an important role. A record number of asylum seekers was recorded in 2011 when Latvia almost received more asylum seekers than the entire period of 1998-2010 in total. This has put much pressure on the capacity of the reception of asylum seekers.</p> <p>The absence of NGOs that would deal with the resettlement is also to be noted. The only NGO dealing with some narrow issues of asylum seekers and refugees (such as language and legal assistance in some cases) is dependent on the projects performed on an EU-funding basis and is not funded from the state budget<sup>9</sup>. Looking from an NGO perspective, before introducing any kind of resettlement system in Latvia, the country also needs a comprehensive integration programme (not just a set of the rights on access to work, unemployment benefits, vocational training, education or other social security guarantees etc.) for all categories of legally staying foreigners in order to ensure their inclusion in Latvian society<sup>10</sup>.</p>

<sup>8</sup> Article “Guantanamo detainee transferred to Latvia”, available at <http://www.lithuaniantribune.com/2010/07/26/guantanamo-detainee-transferred-to-latvia/>, (checked on 08.12.2011.). The same information was repeated in several publications in Latvian language.

<sup>9</sup> Based on the records of the major points of interview with the president of the non-governmental organisation “Shelter „Safe House”, Mrs. Sandra Zalcmāne.

<sup>10</sup> *ibid.*

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Co-financed by the European Union

## ***KNOW RESET – Country Profile***

### ***Lithuania***

Report written by

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**and reviewed by the Know Reset team**

July, 2013

**Country Profile: LITHUANIA**

Lithuania is a country of emigration. Emigration rate is among the highest in the European Union. Between 1990 and 2010, 615,000 residents emigrated from Lithuania. 54,331 residents emigrated from Lithuania in 2011<sup>1</sup>. Emigration numbers increased after the country joined the EU in 2004. The most important factors explaining emigration trends in Lithuania are comparatively low wages and the high rate of unemployment.

Contrary to emigration from Lithuania, immigration to the country is relatively low. Statistical data shows that from 2009 to 2010 immigration flows decreased, while comparing the data available in 2010 and 2011, a significant increase in immigration is observed: in 2011 15,685 immigrants arrived to Lithuania, which is an impressive number in comparison to 5,213 in 2010<sup>2</sup>. Work is one of the purposes for which foreigners arrive to Lithuania (in 2011, 3,330 work permits were issued for foreigners<sup>3</sup>).

Lithuania has a restrictive labour immigration policy. Workers from third countries are considered to be a temporary solution and therefore are not allowed to stay after their contract is finished or terminated. They cannot change their employer or look for work while in the country. However, in 2011 the admission rules were changed in order to facilitate the arrival procedure for those professions of which there are a shortage in Lithuania. Furthermore, the transposition of EU Directives has led to facilitation of immigration procedures for certain groups of third countries nationals (e.g. students, researchers and highly skilled workers).<sup>4</sup>

As a result of its geographical location (two external borders with third countries) and economic situation, Lithuania serves rather as a transit country for asylum seekers than as a destination. In recent years the number of asylum applications in Lithuania was approximately 450-540 annually. The largest national groups were Georgian and Russian nationals. According to the Annual report of Asylum Affairs Division of the Migration Department, the number of refused asylum applications is growing (in 2008, 49 applications were rejected, in 2009 155, in 2010 180, in 2011 280<sup>5</sup>). This trend is related to the number of applications lodged by the citizens of Georgia (in 2011, 213 out of 280 decisions to refuse to grant asylum were made only in regard of Georgian nationals<sup>6</sup>). No Georgian has been granted refugee status up to this point. However, Georgian asylum seekers continue to apply for refugee status in Lithuania. Many asylum applications (in most cases when asylum seekers left the Foreigners Registration Centre without authorisation and failed to return) in 2010 (209 out of 503<sup>7</sup>) and 2011 (146 out of 527<sup>8</sup>) indicate that asylum seekers have another European destination in mind other than Lithuania. Secondary movement post application then is quite common if not the norm. In order to prevent asylum seekers from going to other EU countries when they are expecting a negative decision, amendment to the Law on the Legal Status of Aliens was proposed by the state authority. According to that law, a foreigner cannot be detained for unlawful entry to or stay in Lithuania when he has lodged an application for asylum<sup>9</sup>. However, the draft amendment to the law intends to change this provision so that the exception from this ground for detention is available to aliens who have been granted temporary territorial asylum in Lithuania. So the draft amendment narrows down the application of the principle of not detaining asylum seekers to only those asylum seekers with regard to whom the Migration Department has made a decision to grant temporary territorial asylum. If the Migration Department decides to examine the asylum application through an expedite procedure, asylum seekers could be detained until the decision on his application is made. NGOs

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<sup>1</sup> Migration in Numbers, available on the internet: <http://123.emn.lt/en/general-trends/migration-10-years-overview>

<sup>2</sup> Numbers includes Lithuanian nationals, who came back to Lithuania. Migrations in Numbers, available on the internet: <http://123.emn.lt/en/general-trends/migration-10-years-overview>

<sup>3</sup> Lrytas.lt, available on the internet: <http://www.lrytas.lt/-13313134901330484910-u%C5%BEsienie%C4%8Diams-pernai-i%C5%A1duota-1-9-karto-daugiau-leidim%C5%B3-dirbti-lietuvoje.htm>

<sup>4</sup> European Migration Network, Migration profile: Lithuania, 2011, available on the internet: [http://www.iom.lt/documents/Migration\\_profile\\_EN.pdf](http://www.iom.lt/documents/Migration_profile_EN.pdf)

<sup>5</sup> Asylum in the Republic of Lithuania, Annual Report 2011, <http://www.migracija.lt/>

<sup>6</sup> *ibid.*

<sup>7</sup> Asylum in the Republic of Lithuania, Annual Report 2010, [http://www.migracija.lt/popup2.php?item\\_id=975](http://www.migracija.lt/popup2.php?item_id=975)

<sup>8</sup> Asylum in the Republic of Lithuania, Annual Report 2011, <http://www.migracija.lt/>

<sup>9</sup> Law on the Legal Status of Aliens, 29 April 2004, available on the internet: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=416015](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=416015)

expressed their doubts whether such legal provision would be incompatible with the principle of not detaining asylum seekers. The debate on the draft amendment is still pending.

Up to 2012, resettlement was not a big topic of debate in Lithuania. In February 2012 UNHCR was informed by the Ministry of Social Security and Labour that discussions on Lithuania's participation in resettlement had started in Lithuania<sup>10</sup>. As the representative of the Ministry of the Interior was unaware of any on-going discussions on resettlement issue, it follows that it is a very initial phase of a possible reform in this field.<sup>11</sup>

Moreover, according to the representative of the Migration Department, the Lithuanian position on resettlement issue is clear – Lithuania is in favour of participation in resettlement programmes only on a voluntary basis and refuses to participate in any such programmes.<sup>12</sup> On this basis, it is very difficult to say whether there is a coherent and set vision as to Lithuania's role, if any, in the resettlement of refugees.

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<sup>10</sup> Written interview of the representative of Regional Office of UNHCR in Lithuania, 23rd of March 2012.

\*The number includes foreigners who were granted subsidiary protection repeatedly.

<sup>11</sup> Written interview of the representative of the Ministry of the Interior, 21st February 2012.

<sup>12</sup> Communication with the representative of the Migration Department, 18th of November 2012.



Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>13</sup></p> <p>Number of asylum seekers<sup>14</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p>95 (2011)</p> <ul style="list-style-type: none"> <li>7 Refugee Status</li> <li>88 Other Protection</li> </ul> <p>111 (2010)</p> <ul style="list-style-type: none"> <li>1 Refugee Status</li> <li>110 Other Protection</li> </ul> <p>527 (2011)</p> <p>503 (2010)</p> <p>None</p> <p>/</p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><u><a href="#">Law on the Legal Status of Aliens</a></u> of the Republic of Lithuania, 29<sup>th</sup> of April 2004 – No IX-2206 (As last amended on the 8<sup>th</sup> of December 2011 – No XI-1786)<sup>15</sup></p>	Does not regulate resettlement issue.
Other basis of resettlement	/
On-going or foreseeable project/reform	In the Draft Law Amending the Law on the Legal Status of Aliens <sup>16</sup> , which is under the debate at the moment, it is not planned that there will be any provision on resettlement.
II. Resettlement Policy and Related Involvements	
a) On an ad hoc basis	/
b) On a programme basis	/
c) “Temporary Resettlement”: Humanitarian Evacuation	In the last decade of the 20th century, several refugee families were relocated from Lithuania to Denmark. <sup>17</sup> It happened shortly after the Lithuanian asylum system was established. As the new Lithuanian system still had some gaps (e.g. refugee qualification and medical assistance) Denmark agreed to accept several families, <sup>18</sup>

<sup>13</sup> The Migration Yearbook 2012, available on the internet: <http://www.migracija.lt/index.php?-11716339>, p. 70

<sup>14</sup> The Migration Yearbook 2012, available on the internet: <http://www.migracija.lt/index.php?-11716339>, p. 67

<sup>15</sup> Available on the internet: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=416015](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=416015)

<sup>16</sup> Available on the internet: [http://www.lrs.lt/pls/proj/dokpaieska.showdoc\\_l?p\\_id=93543&p\\_query=&p\\_tr2=&p\\_org=&p\\_fix=n&p\\_gov=n](http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=93543&p_query=&p_tr2=&p_org=&p_fix=n&p_gov=n)

<sup>17</sup> Written interview of the previous UNHCR Liaison Officer in Lithuania, the 23rd of February 2012.

<sup>18</sup> Communication with the previous UNHCR Liaison Officer in Lithuania, the 17th of April 2012.

<b>d) Through other Projects</b>	
Governmental Level	n/a
Non-Governmental Level	n/a
<b>e) “Resettlement-like” experience</b>	
From Guantanamo	<ul style="list-style-type: none"> <li>- After the European Parliament adopted a resolution of the 2<sup>nd</sup> February 2009 welcoming the decision by US President Barack Obama to close the detention facility at Guantanamo Bay and calling on the Member States, should the US administration so request, to cooperate in finding solutions, to be prepared to accept Guantánamo inmates in the Union<sup>19</sup>, the Foreign Ministry of the Republic of Lithuania was obliged by the State Defence Council to start a consultation with representatives of U.S. administration on legal, security and technical framework in which to accept former Guantanamo detainees.<sup>20</sup> According to the media, Lithuania has consulted with the US about the resettlement of two detainees from Guantanamo.<sup>21</sup></li> <p>However, in Autumn 2009, Lithuania’s newly elected president reneged on Lithuania’s previous agreement to resettle prisoners amid an uproar over reports that the Central Intelligence Agency (CIA) had run a secret jail in Lithuania.<sup>22</sup></p> <p>On the 28<sup>th</sup> of October 2011 a Guantanamo detainee filled in a complaint against Lithuania in the European Court of Human Rights, over its role in facilitating his extraordinary rendition.<sup>23</sup></p> </ul>
Intra-EU “Relocation”	<ul style="list-style-type: none"> <li>- On the 30<sup>th</sup> of November 2006 the Government of the Republic of Lithuania adopted a resolution on relocation of asylum seekers from Malta to Lithuania.<sup>24</sup> In January 2007, six asylum seekers from Malta were relocated to Lithuania; all of them were granted refugee status.<sup>25</sup> Lithuania’s policy is seen as an expression of solidarity with other EU members.<sup>26</sup> Lithuania considers the exercise to have been costly and ineffective, the main reason</li> </ul>

<sup>19</sup> Available on the internet: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0045&language=EN>

<sup>20</sup> Lithuania would accept up to 10 Guantanamo prisoners, the 11th of February 2009, available on the internet: <http://www.delfi.lt/news/daily/lithuania/article.php?id=20525296&categoryID=7>

<sup>21</sup> Lithuania will consider the US request to house two prisoners from Guantanamo, the 13th of February 2009, available on the internet: <http://www.delfi.lt/news/daily/lithuania/article.php?id=20557457&categoryID=7>  
Lithuania will consider a possibility to accept two prisoners from Guantanamo, the 13th of February 2009, available on the internet: <http://www.lrytas.lt/-12345226861233430547-lietuva-svarstys-galimyb%C4%99-priimti-du-kalinius-i%C5%A1-gvantanamo.htm>  
Following the Guantanamo prisoners their families may also move in, the 25th of February 2009, available on the internet: <http://www.delfi.lt/news/daily/lithuania/paskui-gvantanamo-kalinius-gali-atsikraustyti-ir-juseimos.d?id=20730616>

<sup>22</sup> Cables Depict US Haggling to Clear Guantánamo, the 29th of November 2010, available on the internet: <http://www.nytimes.com/2010/11/30/world/americas/30gitmo.html?pagewanted=all>  
Latvia will host one Guantanamo detainee, Lithuania will not, the 2nd February 2010, available on the internet: <http://www.lithuaniantribune.com/2010/02/02/latvia-will-host-one-guantanamo-detainee-lithuania-will-not/>

<sup>23</sup> Reprieve, the 28th of October 2011, Guantánamo detainee takes Lithuania to court over secret CIA prison, available on the internet: [http://www.reprieve.org.uk/press/2011\\_10\\_28\\_Lithuania\\_CIA\\_prison/](http://www.reprieve.org.uk/press/2011_10_28_Lithuania_CIA_prison/)

<sup>24</sup> The Migration Department of the Ministry of the Interior, Yearbook of Migration 2006, available on the internet: <http://www.migracija.lt/>

<sup>25</sup> The Migration Department of the Ministry of the Interior, Yearbook of Migration 2007, available on the internet: <http://www.migracija.lt/>

<sup>26</sup> Written interview of the representative of the Ministry of the Interior, the 21st of February 2012.

	<p>being that the relocated persons were not sufficiently informed about Lithuania prior to relocation.<sup>27</sup></p> <ul style="list-style-type: none"> <li>- In October 2009 Lithuania refused to contribute to the EU initiative to relocate more asylum seekers from Malta<sup>28</sup>.</li> <li>- In 2011, under the resolution No 1082 of the 14<sup>th</sup> of September 2011, the Lithuanian Government decided to join the EUREMA project. In doing so, Lithuania committed to accept up to six refugees.<sup>29</sup> The Resolution has yet to be implemented.</li> </ul>
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b>	None
<b>Comments</b>	<p>Lithuania's reluctance to receive refugees in the framework of resettlement initiatives is influenced by social, financial, cultural, administrative and various other factors. There is very little knowledge and a dearth of reliable information as to what resettlement, is and what it entails as a legal and social challenge.<sup>30</sup></p> <p>The current economic situation in Lithuania is not supportive for a change to the political and social environment in favour of resettlement.<sup>31</sup></p> <p>Resettlement programmes are more orientated to regions distant and relatively unknown to Lithuanian society, where Lithuania does not have any geopolitical interests and, in most cases, no social, historical, cultural or economic ties<sup>32</sup>.</p> <p>The lack of legal framework is also a brake for resettlement in Lithuania<sup>33</sup>.</p> <p>Though Lithuania could receive a small number of resettled refugees,<sup>34</sup> before that important step should be taken, public awareness must be increased, good practices from other EU members and beyond must be studied and the needs of the refugees to be resettled must be fully understood.<sup>35</sup></p>

<sup>27</sup> European Commission, Directorate-General Home Affairs, Study on the Feasibility of Establishing a Mechanism for a Relocation of Beneficiaries of International protection J LX/2009/ERFX/PR/1005, Final Report 2010, available on the internet: [http://ec.europa.eu/home-affairs/doc\\_centre/asylum/docs/final\\_report\\_relocation\\_of\\_refugees.pdf](http://ec.europa.eu/home-affairs/doc_centre/asylum/docs/final_report_relocation_of_refugees.pdf)

<sup>28</sup> Ministry of the Interior of the Republic of Lithuania, Legal information: In the Meeting of Ministers of the Interior of Lithuania and Malta Issues of Granting Asylum for Asylum Seekers in European Union were discussed, 28<sup>th</sup> October 2009, available on the internet: [http://www.vrm.lt/index.php?id=131&backPID=129&begin\\_at=720&tt\\_news=2281&](http://www.vrm.lt/index.php?id=131&backPID=129&begin_at=720&tt_news=2281&)

<sup>29</sup> Resolution on asylum seekers from the Republic of Malta, No 1082, 14<sup>th</sup> of September 2011, available on the internet: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=406687&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=406687&p_query=&p_tr2=2)

<sup>30</sup> Written interview of the previous UNHCR Liaison Officer in Lithuania, op. cit.

<sup>31</sup> bid.

<sup>32</sup> Written interview of the representative of the Ministry of the Interior, 21<sup>st</sup> of February 2012.

<sup>33</sup> Written interview of the representative of the Red Cross Society, the 24<sup>th</sup> of February 2012.  
Written interview of the representative of Regional Office of UNHCR in Lithuania, op.cit.

<sup>34</sup> Written interview of the representative of the Red Cross Society, op.cit.  
Written interview of the representative of Regional Office of UNHCR in Lithuania, op.cit.

<sup>35</sup> Written interview of the previous UNHCR Liaison Officer in Lithuania, op.cit.  
Written interview of the representative of the Red Cross Society, op.cit.  
Written interview of the representative of the Ministry of the Interior, op.cit.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Luxembourg***

Report written by

**Janine Silga (EUI)**

**and reviewed by the Know Reset team**

July, 2013

### Country Profile: LUXEMBOURG

Relative to the size of its resident population, Luxembourg was, at the beginning of 2010, the EU Member State with the highest share of non-nationals. Non-nationals accounted for about 43% of the total population.<sup>1</sup> The vast majority of them (86,3%) are citizens of other EU Member States (by order of size, the largest three groups are Portuguese, French and Italian).

Immigration and asylum law is not codified in Luxembourg. However, all relevant legal acts are compounded in the *Statut des Personnes Etrangères*,<sup>2</sup> according to their subject matter.

The main legislative Acts in the field of immigration are the Act of 29 August 2008 on Free Movement of Persons and Immigration<sup>3</sup> and the Act of 16 December 2008 on Reception and Integration of Foreigners in the Grand Duchy of Luxembourg.<sup>4</sup> The latter notably created the Luxembourg Reception and Integration Agency (*Office luxembourgeois de l'accueil et de l'intégration* – OLAI) which is essential in the process of refugee resettlement. It also created the Reception and Integration Contract.

Regarding asylum, the relevant instrument is the Act of 5 May 2006 relating to asylum and other forms of protection.<sup>5</sup> The last significant legal Act adopted in the field of immigration and asylum was adopted in July 2011.<sup>6</sup>

In Luxembourg, *stricto sensu*, resettlement is understood as the process covering: 1) the selection in the country of first asylum (non-EU Member State) of refugees to be resettled; 2) their transfer to the receiving country (Luxembourg) and 3) the initial steps to integration in the receiving country (Luxembourg).<sup>7</sup> Although relocation is not covered by this *stricto sensu* definition as it refers to the transfer of refugees (or people in need of international protection) from one EU Member State to another one, resettlement may also refer to relocation for practical use.<sup>8</sup> Over the last ten years, Luxembourg carried out one main *stricto sensu* resettlement operation in 2009, to resettle 28 Iraqi refugees from Syria and Jordan.<sup>9</sup>

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<sup>1</sup> For data and figures, see: Eurostat:

[http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_population_statistics); Report of the European Migration Network (Luxembourg contact point), 2010: [http://www.emnluxembourg.lu/sites/default/files/Policy%20Report%202010\\_EN.pdf](http://www.emnluxembourg.lu/sites/default/files/Policy%20Report%202010_EN.pdf)

<sup>2</sup> Last update of this document: <http://www.legilux.public.lu/leg/textescoordonnes/recueils/etrangers1/Complement.pdf>

<sup>3</sup> Memorial A, N. 138 of 10 September 2008, p. 2024: <http://www.legilux.public.lu/leg/a/archives/2008/0138/a138.pdf> This Act notably created the first detention centre of Luxembourg. It became operational since 22 August 2011, following the adoption of the Regulation of 17 August 2011 on the conditions and modalities of detention regime of the detention centre, Mémorial A n. 180 of 22 August 2011, pp. 3222-3225: <http://www.legilux.public.lu/leg/a/archives/2011/0180/a180.pdf>

<sup>4</sup> Mémorial, A, N. 209 of 24 December 2008, p. 3156 <http://www.legilux.public.lu/leg/a/archives/2008/0209/a209.pdf>

<sup>5</sup> Mémorial, A-No 78 of 9 May 2006, p. 1402 : <http://www.legilux.public.lu/leg/a/archives/2006/0078/a078.pdf>

<sup>6</sup> Act of 1st July 2011 amending the Act of 29 August 2008 on Free Movement of Persons and Immigration and the Act of 5 May 2006 relating to Asylum and Other Forms of Protection. Mémorial A, N. 151, 25 July 2011, p. 2180 and p. 2201. <http://www.legilux.public.lu/leg/a/archives/2011/0151/a151.pdf>

<sup>7</sup> Interview with Mrs Welter (OLAI) 14 May 2012

<sup>8</sup> Ibid.

<sup>9</sup> Interview with Mrs Welter (OLAI) 14 May 2012 and Caritas-Luxembourg, Interview of 14 March 2012

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u></p>	<p>64 (2012)<sup>11</sup></p> <ul style="list-style-type: none"> <li>• 57 Refugee Protection</li> <li>• 7 Other Protection</li> </ul> <p>62 (2011)<sup>12</sup></p> <ul style="list-style-type: none"> <li>• 41 Refugee Protection</li> <li>• 21 Other Protection</li> </ul>
<p>Number of asylum seekers<sup>10</sup></p>	<p>2,056 (2012)</p> <p>2,170 (2011)</p>
<p>Resettlement Scheme</p>	<p>Ad hoc</p>
<p>Resettlement Quota</p>	<p>/</p>
I. Legal and Administrative Framework	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Act of 5 May 2006</a></u> relating to Asylum and other Forms of Protection</p> <p><u><a href="#">Regulation of 1 September 2006</a></u> on the conditions for granting social support to asylum seekers</p>	<p>There is no provision directly dealing with resettlement. However, this Act provides for the legal framework applying to the resettlement of refugees, especially on their rights following resettlement.</p> <p>Relevant provisions for resettlement:</p> <p>Chapter 4 on the content of international protection (articles 42 to 55)</p> <p>Rights granted upon arrival before being formally granted the refugee residence permit: Housing, healthcare, financial support): Article 1<sup>13</sup></p>
<p><b>Other basis of resettlement</b></p>	<p>/</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>In Luxembourg the very few resettlement operations that took place happened on an informal basis, mostly carried out on a diplomatic level. Resettled refugees arriving under such circumstances do not undergo an additional procedure to reassess their refugee status and within a few weeks they enjoy full rights on an equal footing with other refugees.</p>

<sup>10</sup> [http://www.gouvernement.lu/salle\\_presse/communiqués/2013/01-janvier/16-stats/stats.pdf](http://www.gouvernement.lu/salle_presse/communiqués/2013/01-janvier/16-stats/stats.pdf)

<sup>11</sup> [http://www.gouvernement.lu/salle\\_presse/communiqués/2013/01-janvier/16-stats/stats.pdf](http://www.gouvernement.lu/salle_presse/communiqués/2013/01-janvier/16-stats/stats.pdf)

<sup>12</sup> Statistiques concernant les demandes de protection internationale au Grand-Duché de Luxembourg de l'année 2011, Press conference of 31 January 2012, Ministry of Foreign Affairs (Immigration Directorate)

<sup>13</sup> Interview with Mrs Welter (OLAI), 23 May 2012

<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) On an ad hoc basis<sup>14</sup></b>	
-1979-1981	Vietnamese Boat People from Philippines and Thailand
-1982	25 Polish refugees from Austria
- Mid- 1980s	Baha'is Iranian refugees from East Turkey
-End of 1980s	Vietnamese refugees from Hong-Kong and Cambodian refugees from Thailand
- 1998	25 Christian Iraqi refugees from Turkey
- 2002	A Somali family living in refugee camp in Kenya joining one of their member already settled in Luxembourg
- 2009	28 Iraqis refugees: 25 from Syria and 3 from Jordan <sup>15</sup> (This is the only <i>stricto sensu</i> resettlement operation that was carried out by Luxembourg)
- 2011	About 10 people to be relocated <sup>16</sup>
<b>b) On a programme basis</b>	/
<b>c) "Temporary Resettlement": Humanitarian Evacuation</b>	n/a
<b>d) Through other Projects</b>	
Governmental Level	Joint selection mission to Thailand. Belgium and Luxembourg were invited to join the Netherlands on this mission in order to promote resettlement.
2008	
Non-Governmental Level	n/a
<b>e) "Resettlement-like" experience</b>	
From Guantanamo	n/a
Intra-EU "Relocation"	Luxembourg took part in one relocation operation of refugees from Malta. In July 2010, Luxembourg received six Somalian refugees from Malta. They were composed of a couple and two women each accompanied by one young child. <sup>17</sup>

<sup>14</sup> All information extracted from the interview with Mrs Welter (OLAI), 14 May 2012.

<sup>15</sup> Rapport d'activité 2009 du Ministère des Affaires étrangères du Grand-Duché de Luxembourg, Published in July 2010, p. 60

<sup>16</sup> European Refugee Fund, Annual Programme for Luxembourg, 2011, p. 19:  
[http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme\\_fer/prog-2011-fer.pdf](http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_fer/prog-2011-fer.pdf)

In the framework of the 2011 ERF programme, Luxembourg is considering the resettlement and/or relocation of 10 people. Such actions may include: missions to countries of first asylum, the selections of refugees to be resettled, their transfer to Luxembourg and actions related to their reception and integration.

<sup>17</sup> Rapport d'activité de L'Office Luxembourgeois de l'Accueil et de l'Intégration (OLAI) – Luxembourg Office for Reception and Integration, 2010, p. 6.



<b>III. Resettlement Implementation</b>	
<u><b>Refugees resettled</b></u>	
2011	Unknown
2009	28 Iraqis refugees: 25 from Syria and 3 from Jordan <sup>18</sup>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>Luxembourg respects the choice made by the UNHCR following its own criteria.</p> <p>However, it favours the resettlement of families with children (young if possible), including single-parent families.<sup>19</sup></p>
<b>Selection Process<sup>20</sup></b> <ul style="list-style-type: none"> <li>• <b>1998 Operation:</b></li> <li>• <b>2009 Operation</b></li> </ul>	<p>Since the early years 2000, two main NGOs were involved in resettlement in Luxembourg: Luxembourg Red Cross and Caritas-Luxembourg</p> <p>-Resettlement of 25 Christian Iraqis from Turkey:</p> <p>This operation was almost totally initiated and implemented by a non-governmental organisation (Caritas-Luxembourg). Luxembourg government simply endorsed the operation.<sup>21</sup></p> <p>-Resettlement of 28 Iraqis refugees from Syria and Jordan</p> <p>This operation was initiated following a request made by the UNHCR to the Ministry in charge of immigration. The OLAI was also consulted by the Ministry to assess the feasibility of such an operation.</p> <p>The OLAI coordinated and organised the transfer as well as the reception of the refugees.</p> <p>A convention was signed between the OLAI and the International Organisation of Migration concerning transport expenses.</p> <p>Caritas was directly involved in the pre-selection of refugees to be resettled in partnership with the UNHCR. Collaboration with the UNHCR in site was very close and lasted about a year. To select refugees to be resettled, CARITAS exclusively relied on UNHCR criteria, with particular focus on family criteria. The final selection was entirely the responsibility of Luxembourg government (Ministry of Foreign Affairs- Immigration Directorate).</p> <p>Once they arrive, refugees receive a residence permit within a month to six weeks. The administrative management of the issuance of such residence permit entirely falls within the competence of the Ministry in charge of immigration.<sup>22</sup></p>

<sup>18</sup> Rapport d'activité 2009 du Ministère des Affaires étrangères du Grand-Duché de Luxembourg, Published in July 2010, p. 60

<sup>19</sup> Interview with Mrs Welter (OLAI) 23 May 2012 and Caritas-Luxembourg, Interview of 14 March 2012

<sup>20</sup> Information is available only for the two main resettlement operations carried out by Luxembourg since the late 1990s.

<sup>21</sup> Interview with Mrs Welter (OLAI) 14 May 2012 and Caritas-Luxembourg, Interview of 14 March 2012

<sup>22</sup> Interviews with Mrs Welter (OLAI) 14 May 2012 and 23 May 2012. Caritas-Luxembourg, Interview of 14 March 2012

<b>Pre-Departure Activities</b> <ul style="list-style-type: none"> <li>Cultural orientation (CO)</li> <li>Assistance with travel documents</li> <li>Medical screening</li> </ul>	<p>2009 Operation:</p> <p>Pre-departure activities were minimal. The OLAI did not have the necessary staff in transit country to prepare resettled refugees to their integration in Luxembourg. However, the OLAI did prepare some leaflets concerning rights upon arrival, including healthcare and education.<sup>23</sup></p> <p>OIM</p> <p>n/a</p>
<b>Procedure Timing</b>	The access to refugee status for resettled refugees is extremely quick and usually does not exceed six weeks. <sup>24</sup>
<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b> <a href="#">Act of 5 May 2006</a> relating to asylum and other forms of protection)	Refugee Status
<b>Rights granted</b> Act of 5 May 2006 relating to asylum and other forms of protection	<ul style="list-style-type: none"> <li>– Non-refoulement: Article 43</li> <li>– Family unity: Article 45</li> <li>– Residence permit: Article 46</li> <li>– Travel Document: Article 47</li> <li>– Right to work and professional training (on equal basis with Luxembourg nationals): Article 48</li> <li>– Right to education, diploma recognition: Article 49</li> <li>– Right to social welfare (on equal basis with Luxembourg nationals): Article 50</li> <li>– Right to healthcare (on equal basis with Luxembourg nationals): Article 51</li> <li>– Access to integration programme: Article 55</li> </ul>
<b>c) Costs and Funding</b>	
<b>Funding</b> <ul style="list-style-type: none"> <li><i>National Level</i></li> </ul>	<ul style="list-style-type: none"> <li>– For the 2009 resettlement operation of 28 Iraqi refugees, all the costs were born by the OLAI (public administration budget).<sup>25</sup></li> <li>– For 2011: 10.091,56 € (Priority 3, Action 7 – resettlement)<sup>26</sup></li> </ul>

<sup>23</sup> Interview with Mrs Welter (OLAI) 23 May 2012

<sup>24</sup> Interview with Mrs Welter (OLAI) 23 May 2012

<sup>25</sup> Interview with Mrs Welter (OLAI), 14 May 2012

<sup>26</sup> European Refugee Fund, Annual Programme for Luxembourg, 2011:  
[http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme\\_fer/prog-2011-fer.pdf](http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_fer/prog-2011-fer.pdf)

## KNOW RESET Country Profile: Luxembourg

<p>– <i>ERF</i></p>	<ul style="list-style-type: none"> <li>– For 2010: 26.599,30 € (Priority 3, Action 6- resettlement)<sup>27</sup></li> <li>– For 2009: 25.000 € (Priority 3, Action 7 - resettlement)<sup>28</sup></li> </ul> <p>In the framework of the ERF Annual Programme 2009 for Luxembourg, the OLAI and the Ministry of Education of Luxembourg both had 50% co-financing for two projects regarding resettled Iraqi refugees.<sup>29</sup></p> <p>The first project dealt with the co-financing of transfer expenses of resettled refugees to Luxembourg.</p> <p>The second project concerned a programme of cultural mediation in schools for refugee Iraqi children.</p>
<p><b>Costs</b></p>	<p>n/a</p>
<p><b>Comments</b></p>	<p>Recently, the flows of asylum seekers to Luxembourg have risen sharply since 2011 (mainly Roma from Serbia). Given this situation and the high percentage of foreign residents already present in the country, Luxembourg is not considering an increase of its capacities for resettlement.<sup>30</sup></p> <p>However, following the ‘Arab Spring’, Luxembourg made a political declaration asserting its firm intention to uphold its international responsibilities with regard to refugees fleeing from the region.<sup>31</sup></p>

<sup>27</sup> European Refugee Fund, Annual Programme for Luxembourg, 2010:  
[http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme\\_fer/prog-2010-fer.pdf](http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_fer/prog-2010-fer.pdf)

<sup>28</sup> European Refugee Fund, Annual Programme for Luxembourg, 2009:  
[http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme\\_fer/prog-2009-fer.pdf](http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/programme_fer/prog-2009-fer.pdf)

<sup>29</sup> Interview with Mrs Welter (OLAI), 14 May 2012

<sup>30</sup> Interview with Mrs Welter (OLAI), 14 May 2012 and Caritas-Luxembourg, Interview of 14 March 2012

<sup>31</sup> <http://www.europaforum.public.lu/fr/actualites/2011/03/qp-spautz-monde-arabe/index.html>

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### ***KNOW RESET – Country Profile***

#### ***Malta***

Report written by

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**and reviewed by the Know Reset team**

July, 2013

## Country Profile: MALTA

Malta's situation in the Mediterranean, between the islands of Sicily and Lampedusa, means that it is at the forefront of migration flows into the European Union. Alongside Greece and Italy, Malta has been pinpointed as being under particular strain from the numbers of arrivals to the islands, which constitute the Maltese archipelago.<sup>1</sup> Malta is situated 80 km south of Sicily, 284 km east of Tunisia and 333 km north of Libya. Asylum seekers make their journey to Malta on oftentimes extremely rudimentary and make-shift sailing craft over the Mediterranean.

Malta joined the European Union in 2004. The Refugees Act 2000 provided for the establishment of the Office of the Refugee Commissioner and the Refugee Appeals Board.<sup>2</sup> Initially, cases continued to be referred to UNHCR for final determination. In December 2001, Malta lifted its geographical reservation to the 1951 Geneva Convention. On 1st January 2002, the Office of the Refugee Commissioner became fully operational and started to deal with applications for recognition of refugee status independently. The Office's main responsibility is to receive, process and determine applications for asylum.<sup>3</sup>

When the Office of the Refugee Commissioner began operations the average number of asylum-seekers in Malta was in the region of 150 per annum. In 2002, more than 1,600 'boat-people' reached Malta with many seeking asylum and since then the number of immigrants who entered Malta irregularly and sought international protection continued to increase steadily. In 2008, 2,775 persons arrived in Malta as compared to the 1,702 persons who entered Malta in 2007. Thus there has been an increase of 1,082 (63%) persons in 2008 as compared to 2007, of which 98.78% (2,760) applied for asylum. The beginning of 2009 was also marked by a significant increase in the number of irregular immigrants reaching Maltese territory.<sup>4</sup>

On 30 August 2008, Italy and Libya signed a friendship, partnership and co-operation treaty for the purpose of developing a "special and privileged" bilateral relationship.<sup>5</sup> Part of the agreement involved Libya strengthening its border controls against irregular migration. The drop in clandestine arrivals to Malta then occurred at roughly the same time as this Treaty was ratified (by Italy in February 2009 and by Libya in March). Italy repudiated the Treaty in February 2011,<sup>6</sup> the month in, which the 'Arab Spring' began in Libya. During the year 2010, 355 asylum seekers applied for refugee status in Malta. Compare this to 2,591 in 2009 and 1,586 in 2011.<sup>7</sup> Numbers of arrivals boomed during the Libyan unrest, the UNHCR put the figure at 1,530 arrivals. 63% of these arrivals came from Somalia, Eritrea or Nigeria with Somalia leading the way on 27%.<sup>8</sup>

Irregular arrivals by sea is the single greatest influence on Maltese migration. Any law and policy changes will be influenced by consideration of the scale of numbers arriving in this way. In view of the relatively large number of arrivals over the last decade, the UNHCR considers that resettlement and relocation of refugees can provide Malta with opportunities to make progress also in improving the situation for those who remain in the country.<sup>9</sup> From the perspective of the authorities: "Malta has consistently made the case for a sharing of responsibilities of persons in need of protection."<sup>10</sup>

<sup>1</sup> See for example: <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e726>

<sup>2</sup> Available at: <http://www.mjha.gov.mt/page.aspx?pageid=160>

<sup>3</sup> Key facts, dates and information in this paragraph can be found at: <http://www.mjha.gov.mt/page.aspx?pageid=160#Background>

<sup>4</sup> See: [http://www.mjha.gov.mt/page.aspx?pageid=160&printonly=true#Staff\\_Compliment\\_and\\_Procedural\\_Improvements\\_](http://www.mjha.gov.mt/page.aspx?pageid=160&printonly=true#Staff_Compliment_and_Procedural_Improvements_)

<sup>5</sup> Officially known as: "The Treaty of Friendship, Partnership and Cooperation between the Italian Republic and Great Socialist People's Libyan Arab Jamahiriya." This text is quoted from Statewatch, available at: <http://www.statewatch.org/news/2008/nov/01italy-libya-treaty.htm>

<sup>6</sup> <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8352658/Libya-Italy-repudiates-friendship-treaty-paving-way-for-future-military-action.html>

<sup>7</sup> UNHCR Malta: [http://www.unhcr.org.mt/index.php?option=com\\_content&view=article&id=113&Itemid=110](http://www.unhcr.org.mt/index.php?option=com_content&view=article&id=113&Itemid=110)

<sup>8</sup> UNHCR: [http://www.unhcr.org.mt/media/com\\_form2content/documents/c12/a313/f45/libyacrisis\\_fachseet\\_last\\_\\_update.swf](http://www.unhcr.org.mt/media/com_form2content/documents/c12/a313/f45/libyacrisis_fachseet_last__update.swf)

<sup>9</sup> [http://www.unhcr.org.mt/index.php?option=com\\_content&view=article&id=113&Itemid=110](http://www.unhcr.org.mt/index.php?option=com_content&view=article&id=113&Itemid=110)

<sup>10</sup> Email interview for Know Reset with the Maltese Ministry for Home and Parliamentary Affairs (Nathalie Attard, Customer Care Coordinator, sent email on behalf of Ministry) conducted on the 16th of March 2012.

The EASO was established in Valletta and became operational in 2011. This was largely seen as an act of solidarity with EU Member States in the south which are under particular pressure from irregular migration.<sup>11</sup> The office is not set up to assist the Maltese authorities specifically but the work of the Office does impact on Malta.<sup>12</sup> Added to this is that a potential role for the EASO in evaluating the relocation pilot project has been mooted in March 2012.<sup>13</sup>

Being on the frontline of migration flows to Europe has meant that Malta has called for resettlement, not as a country which would receive refugees but as a country from which the refugees should be relocated. "Malta already faces specific and disproportionate pressures in view of its geographic and demographical situation with regard to the number of asylum seekers arriving on its shores, a fact also attested by comparisons published by the UNHCR and EU bodies, to consider resettlement options to its territory."<sup>14</sup>

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<sup>11</sup> See: <http://www.timesofmalta.com/articles/view/20110618/local/Malta-based-EU-asylum-office-opens-tomorrow.371111>

<sup>12</sup> See: [http://ec.europa.eu/home-affairs/policies/asylum/asylum\\_easo\\_en.htm](http://ec.europa.eu/home-affairs/policies/asylum/asylum_easo_en.htm)

<sup>13</sup> See: <http://easomonitor.blogspot.com/2012/03/what-role-for-easo-with-intra-eu.html#/2012/03/what-role-for-easo-with-intra-eu.html>

For press reaction, see also: <http://www.independent.com.mt/news.asp?newsitemid=141100>

Also: <http://www.timesofmalta.com/articles/view/20110512/local/EU-pressure-members-to-resettle-asylum-seekers.364942>

And finally: <http://www.timesofmalta.com/articles/view/20110603/local/EU-report-confirms-lukewarm-reaction-to-Malta-s-appeal-for-burden-sharing.368694>

<sup>14</sup> Email interview with the Maltese Ministry for Home and Parliamentary Affairs, op.cit.

Asylum Profile	
<p><a href="#"><u>Number of protection status granted</u></a><sup>15</sup></p> <p>Number of asylum seekers<sup>16</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p>896 (2011)</p> <ul style="list-style-type: none"> <li>72 Refugee Status</li> <li>824 Other Protection</li> </ul> <p>223 (2010)</p> <ul style="list-style-type: none"> <li>46 Refugee Status</li> <li>177 Other Protection</li> </ul> <p>1,862 (2011)</p> <p>175 (2010)</p> <p>/</p> <p>/</p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p>Chapter 420 <a href="#"><u>Refugees Act</u></a> 1<sup>st</sup> October 2001</p> <p><a href="#"><u>Legal Notice 243 of 2008</u></a> (amending the Refugees Act, above)</p>	<p>Provides for a definition of refugee status at Article 2. “Humanitarian Protection” is also defined in this article.</p> <p>Article 8 deals with the application process.</p> <p>Rights of refugees are contained in Article 11.</p> <p>Article 13 provides for ‘resettlement’. At the written request of the applicant or a recognised refugee, the Minister and the High Commissioner will facilitate the ‘resettlement’ of that person to another country.</p> <p>On this point, the Maltese authorities state: “The Article in question specifically makes reference to the term ‘resettlement’. However the Maltese text speaks of persons granted refugee status or subsidiary protection who leave to reside in another country (persuna biex tmur tgħammar f’pajjiż ieħor).”<sup>17</sup></p> <p>The title of this regulation is the Procedural Standards in Examining Applications for Refugee Status Regulations.</p> <p>Article 2 states that the purpose of the amendment is to transpose the provisions of the Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted and the Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.</p> <p>Article 4 deals with the application process.</p> <p>Rights of refugees and those who are granted subsidiary protection status are contained in Article 14.</p>

<sup>15</sup> UNHCR Maltese Office..

<sup>16</sup> Ibid.

<sup>17</sup> Email interview for Know Reset with the Maltese Ministry for Home and Parliamentary Affairs (Nathalie Attard, Customer Care Coordinator, sent email on behalf of Ministry) conducted on the 16th of March 2012.



<b>Other basis of resettlement</b>	/
<b>On-going or foreseeable project/reform</b>	Speculation or calls for legislative reform have not been found. Maltese refugee law is now seen as being up to date with high international standards.
<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) On an ad hoc basis</b>	/
<b>b) On a programme basis</b> Since 2007	/
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	/
<b>d) Through other Projects</b> Governmental Level Non-Governmental Level	 / /
<b>e) “Resettlement-like” experience</b> From Guantanamo Intra-EU “Relocation”	 /  The European Relocation Malta (EUREMA) is the first and foremost EU run relocation project. EUREMA was first launched in 2009 (EUREMA I) as a pilot project, and in April 2011 the European Commission decided on its extension (EUREMA II). The duration of the programme is planned from the beginning of 2012 till the middle of 2013.  Refugee relocation is jointly implemented by the Ministry of Justice & Home Affairs, IOM, UNHCR and the Emigrant's Commission. <sup>18</sup>
<b>Comments</b>	While resettlement does not occur in Malta, it does participate in relocation. While an important distinction must be made between relocation and resettlement, the two often overlap in the eyes of different Member State authorities and thus Malta's continued contribution to relocation is of interest. Malta has absolutely no intention of contributing toward actual resettlement in the near future.
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b>	None
<b>Comments</b>	It seems certain that any motivation to resettle in Malta would be linked to the number of irregular arrivals. If arrivals by sea are greatly reduced then that may influence a decision to resettle. Media coverage, and consequent public opinion, focuses on this aspect of migration. The nature of Malta, as two small islands with a small population but high population density makes this the focus. In light of this, any political decision to begin resettlement is extremely unlikely unless the numbers of irregular arrivals by sea drops dramatically <sup>19</sup> .

<sup>18</sup> [http://www.unhcr.org/mt/index.php?option=com\\_content&view=article&id=476:what-is-the-durable-solutions-registration-&catid=81:making-a-difference](http://www.unhcr.org/mt/index.php?option=com_content&view=article&id=476:what-is-the-durable-solutions-registration-&catid=81:making-a-difference)

<sup>19</sup> “With resettlement, I don’t envisage this ever happening. In a situation with no boat arrivals of asylum-seekers Malta would still maintain that its size, population density and limited resources prevent it from resettling...I don’t see any

	Malta’s involvement in resettlement through relocation seems certain to continue with an appetite for relocation certainly strong in Malta and being supported by EU partners and hesitantly supported by other Member States who, in the spirit of solidarity, are allowing relocation to their territories.
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room for advocating for resettlement.” Email interview for Know Reset with Dr. Neil Falzon (Founder of Aditus NGO), conducted on the 1st of February 2012.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Poland***

Report written by

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**and reviewed by the Know Reset team**

July, 2013

### Country Profile: POLAND

Poland experienced immigration in 1989. Poland had not experienced inward migration since the 2<sup>nd</sup> World War. As a result of socio-political changes and the liberalization of the principles for the entry and stay of foreigners and taking into account the geopolitical location of Poland, it became a transit and target country for certain categories of migrants. For example, in 1985 the number of people crossing Polish borders was about 3.5 million non-Poles, in 1991 this number reached 37 million and achieved 90 million at the end of the 90s<sup>1</sup>.

Taking the geographical position of Poland into account as well as it having with one of the longest EU external borders, it became a target of migrants coming mainly from the former Soviet republics. Furthermore, Poland became an important point on routes of smuggling illegal migrants and persons trying to get to Western Europe, with Poland being a country of transit.

Poland ratified the 1951 Geneva Convention and the 1967 Protocol in 1991. The government decision for ratification was mainly influenced by a change in the social-political situation, which started in 1989. It has to be emphasised that until that time there had been almost no refugees and asylum seekers in Poland. Applications for refugee status have been made since 1989. It became apparent that the necessary procedures had to be put in place that would bring the Polish asylum system into line with international and European standards. Taking this into account, several competent national institutions have been created, i.e.: Office for Foreigners and relevant departments in the Ministries. At present, Department of the Migration Policy in the Polish Ministry of Interior is responsible for migration policy. The Office for Foreigners implements that policy.

The scale of migration to Poland is still insignificant. According to the statistics revealed by the Central Statistical Office as of 31 December 2011, 100,298 foreigners had valid residence permits<sup>2</sup> (about 3,218 more than in 2010, and 7,724 more than in 2009). In 2011 there were 6,887 applications submitted for refugee status (an increase of 5% in comparison to 2010); in 2009 this number amounted to 10,587 applications.

However, in the opinion of some experts, in spite of the fact that the migratory movements do not play a great role in the Polish society, their importance increased on the Polish labour market. It is then possible to assume that this tendency will become more established taking into consideration some social, economic and demographic changes in Poland<sup>3</sup>.

Polish asylum policy has its legal basis in the Constitution of Poland adopted on 2 April 1997. The legal provisions regulating the asylum and refugee status proceedings have a statutory rank and are formulated in the Act on granting protection to foreigners in the territory of the Republic of Poland.

The resettlement concept is a very new idea in Poland and has been recently introduced by the 2011 amendments to the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, which entered into force on 1 January 2012. The Council of Ministers will be able to decide, in a form of regulation, the number of foreigners who can be resettled to Poland in a year, the countries from where they will be arriving, the amount of funds to be made available, which cover the envisaged costs, etc. However since the new legal provisions entered into force there has been no resettlement of foreigners in Poland.

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<sup>1</sup> The Study on "Polish Migration Policy - State of Play and Proposed Actions" drafted by the Inter-ministerial Team for Migration, recent version published on 18 March 2012.

<sup>2</sup> The data collection does not include citizens of the EU Member States and members of their families, illegal migrants, and foreigners with visas.

<sup>3</sup> The Study on "Polish Migration Policy - State of Play and Proposed Actions" (...), op.cit.

Asylum Profile	
<p><a href="#"><u>Number of protection status granted<sup>4</sup></u></a></p> <p>Number of asylum seekers<sup>5</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p>368 (2011)</p> <ul style="list-style-type: none"> <li>• 157 Refugee Status</li> <li>• 37 Other Protection</li> </ul> <p>448 (2010)</p> <ul style="list-style-type: none"> <li>• 84 Refugee Status</li> <li>• 364 Other Protection</li> </ul> <p>6,887 (2011)</p> <p>6,534 (2010)</p> <p>Ad hoc</p> <p>/</p>
I. Legal and Administrative Framework	
<p>Asylum law / Aliens Act</p> <p><a href="#"><u>Act of 13 June 2003 on granting protection</u></a> to foreigners within the territory of the Republic of Poland</p> <p><a href="#"><u>Act of 13 June 2003 on Foreigners</u></a></p>	<p>New provisions related to the resettlement and relocation have been introduced by the Act of 28 July 2011 on the legalisation of stay of some foreigners in the territory of the Republic of Poland and on amendments to the Act on granting protection to foreigners within the territory of the Republic of Poland and to the Act on Foreigners.</p> <p>Chapter 5a: "Resettlement and relocation"</p> <p>Lays down the principles and conditions governing entry, transit, residence and departure of aliens from the territory of the Republic of Poland, as well as procedures and authorities competent in these matters.</p>
<p>Other basis of resettlement:</p> <p>The Study on "Polish Migration Policy - State of Play and Proposed Actions" drafted by the Inter-ministerial Team for Migration - recent version published on 18 March 2012<sup>6</sup>.</p>	<p>Describes in general the possibility to resettle/relocate migrants in EU Member States. The role of Poland in this area is considered with the main motivation being solidarity with other EU Member States.</p>
<p>On-going or foreseeable project/reform</p>	<p>None</p>

<sup>4</sup> [http://www.stat.gov.pl/cps/rde/xbcr/gus/sy\\_demographic\\_yearbook\\_2012.pdf](http://www.stat.gov.pl/cps/rde/xbcr/gus/sy_demographic_yearbook_2012.pdf)

<sup>5</sup> Ibid.

<sup>6</sup> This document is planned to be supplemented by the action plan, which will insert the proposals of solutions aiming at realization of accepted assumptions, along with a description of entities responsible for their implementation and determination of costs and sources of financing.

<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) On an ad hoc basis</b>	There is no formal resettlement organised by the Polish Ministry of Foreign Affairs (before the new legal provisions entered into force):  On his way back from the visit in Tunisia on 16 June 2011 the Polish Minister of Foreign Affairs took on board of his plane a group of refugees, who after fleeing Libya, had sought temporary shelter in Tunisia <sup>7</sup> .
<b>b) On a programme basis</b>	None
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	During Balkan wars, Poland twice received 1,000 persons and provided them with protection till the end of conflict <sup>8</sup> .
<b>d) Through other Projects</b>  Governmental Level  Non-Governmental Level	n/a
<b>e) “Resettlement-like” experience</b>  1946 - 1949  From Guantanamo  Intra-EU “Relocation”  2010	After collapse of the authoritarian regime in Greece, Poland received a group of people with Greek nationality (quasi resettlement). <sup>9</sup>  n/a  Poland is a participant of an on-going pilot programme of the European Commission, i.e. “Relocation of foreigners, beneficiaries of the international protection, staying in Malta” (“EUREMA”). The first action is in a preparatory stage; an official of UNHCR in Malta has recently visited Poland with the aim of collecting information on the potential for relocation; this planned relocation concerns migrants from Somalia. <sup>10</sup>  However, up to this point no refugees have been accepted and transferred to the territory of Poland. <sup>11</sup>
<b>III. Resettlement Implementation</b>	
<b><u>Refugees resettled</u></b> <sup>12</sup>  June 2011	16 resettled persons:  3 Christian families - 6 adults and 10 children; country of origin: Eritrea and Nigeria

<sup>7</sup> Sources: 1) Polish Ministry of Foreign Affairs - note available on the Ministry of Foreign Affairs website: [http://www.msz.gov.pl/en/news/foreign\\_minister\\_radoslaw\\_sikorski\\_brings\\_home\\_north\\_african\\_refugees](http://www.msz.gov.pl/en/news/foreign_minister_radoslaw_sikorski_brings_home_north_african_refugees) and in the press and radio: <http://www.polskieradio.pl/5/3/Artykul/387167.Sikorski-wroci-do-Polski-z-uchodzcami-z-Libii>; 2) Interview with Mrs Agnieszka Kunicka, Head of the Refugee and Repatriates Counselling Centre, Polish Humanitarian Action, and Mr Maciej Fagasiński, Amnesty International (Poland), May 2012.

<sup>8</sup> Interview with Mr Marek Szonert, Director of the Office of International Cooperation, Office for Foreigners, May 2012.

<sup>9</sup> Interview with Mrs Agnieszka Kosowicz, Head of Polish Migration Forum, May 2012.

<sup>10</sup> *ibid.*

<sup>11</sup> Sources: 1. Study on “Polish Migration Policy - State of Play and Proposed Actions”, *op.cit.*; 2) Interviews with: a) Mr Marek Szonert, *op.cit.*; b) Mr Maciej Fagasiński, *op.cit.*

<sup>12</sup> [http://www.msz.gov.pl/en/news/foreign\\_minister\\_radoslaw\\_sikorski\\_brings\\_home\\_north\\_african\\_refugees](http://www.msz.gov.pl/en/news/foreign_minister_radoslaw_sikorski_brings_home_north_african_refugees)

<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>Not mentioned.</p> <p>According to the new legal provisions, the Polish government is authorized to issue a specific regulation relating to resettlement.</p> <p>The Council of Ministers may determine, in a form of an ordinance:</p> <ol style="list-style-type: none"> <li>1. A number of foreigners, who can be resettled or relocated in the given year;</li> <li>2. Countries from which they will be arriving;</li> <li>3. The funds that are to be allocated for the costs covering resettlement or relocation, including costs associated with activities undertaken by relevant authorities outside the Republic of Poland, costs of assistance provided for resettled or relocated foreigners and costs associated with their integration, as well as the sources of covering these costs.</li> </ol> <p>In the ordinance, the Council of Ministers considers the humanitarian aspects of a decision regarding resettlement or relocation, the necessity to satisfy the essential needs of resettled or relocated foreigners in the course of granting refugee status or subsidiary protection, as well as actual costs of individual programmes of integration.</p>
<b>Selection Process</b> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>n/a</p> <p>An application for granting refugee status is submitted to the Head of the Office for Foreigners via the officer of the Border Guard delegated to do this task outside of Poland.</p> <p>The above-mentioned Officer of the Border Guard:</p> <ol style="list-style-type: none"> <li>1. immediately delivers the application for further examination to the Head of the Office for Foreigners;</li> <li>2. issues an attestation of identity valid for 30 days starting on the day of the foreigner's entry into Poland;</li> <li>3. notifies a relevant national health inspector about the refusal of the foreigner, or person on behalf of who a foreigner is acting to undergo medical examinations and sanitary treatments.</li> </ol> <p>In principle, no.</p> <p>Interrogation of a foreigner, in order to explain relevant facts for settling the matter, is held in a place of his/her stay.</p> <p>After arrival in Poland, the resettled or relocated refugee gives his travel documents to the Head of the Office for Foreigners. A resettled or relocated refugee is obliged to appear at the centre within 2 days of the day of his/her entry into Poland.</p> <p>S/he has to apply for refugee status once s/he is in Poland.</p>



## KNOW RESET Country Profile: Poland

<b>Pre-Departure Activities</b> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>n/a</p> <p>n/a</p> <p>n/a</p>
<b>Procedure Timing</b>	<p>Issue of a decision in the case of granting refugee status for a foreigner entitled to resettlement or relocation comes in a period of 30 days from the day of his/her entry into Poland.</p> <p>Social and medical care is provided for a period of 6 months from the day the decision on refugee status is made.</p>
<b>Comments</b>	<p>Effective resettlement was not possible to organise until now mainly due to the absence of the adequate legal provisions regulating the procedure and steps of the process.</p> <p>Furthermore, migrants did not have much interest in being resettled to Poland who considered it rather as a transit country rather than a more permanent home.</p>
<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b> <u><a href="#">Act of 13 June 2003 on granting protection</a></u> to foreigners within the territory of the Republic of Poland <u><a href="#">Act of 13 June 2003 on Foreigners</a></u>	<p>Refugee Status or Subsidiary Protection.</p> <p>Right of Residence.</p> <p>Social and Medical Care.</p>
<b>c) Costs and Funding</b>	
<b>Funding</b> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>ERF</i></li> </ul>	<p>The Council of Ministers may determine, in a form of a regulation, the amount of money to be allocated to cover resettlement or relocation, including costs associated with activities undertaken by relevant authorities outside Poland, costs of assistance provided for resettled or relocated foreigners and costs associated with their integration as well as the sources of covering these costs.</p> <p>It seems probable that additional resources (e.g. for public institutions and non-governmental organizations) will be made available in the framework of the European Refugee Fund. A call for applications in the framework of this project was made at the end of 2011 and beginning of 2012. However, the projects associated with the voluntary resettlement were not one of Polish priorities. Therefore, it was not possible to present the projects related to resettlements.<sup>13</sup></p>
<b>Costs</b>	<p>n/a</p>

<sup>13</sup> Interview with Mr Maciej Fagasiński, op.cit.

More details available at:

[http://www.wwpe.gov.pl/index.php?params\[section\\_id\]=9&params\[category\\_id\]=39](http://www.wwpe.gov.pl/index.php?params[section_id]=9&params[category_id]=39)

<p><b>Comments</b></p>	<p>According to the latest examinations of the Polish Institute of Public Affairs, 30% of refugees in Poland are homeless. They are struggling with immense problems in the labour market. Resettlement of a new group of refugees without a fundamental change of integration policy and an increase of public assistance is not an appropriate movement. Resettled foreigners are very likely to be contending with poverty, unemployment and homelessness.</p> <p>As regards the actual tendency, the majority of refugees in Poland are wishing to leave Poland. Unfortunately, it is very likely that the resettled refugees will do likewise.<sup>14</sup></p> <p>Polish participation in the resettlement and relocation projects is hoped to express solidarity with other Member States of the EU. Considering the fact that Poland has the longest external border of the EU, it is likely to occur in the future that Poland will need the assistance and support of other EU Member States in solving similar migratory challenges. Moreover, an experience gained from the cooperation based on the organisation of resettlement and relocation can turn out to be useful in the successful integration of all foreign nationals resident in Poland.<sup>15</sup></p>
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<sup>14</sup> Interview with Mrs Agnieszka Kosowicz, op.cit.

<sup>15</sup> Study on "Polish Migration Policy - State of Play and Proposed Actions", op.cit.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Portugal***

Report written by

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**and reviewed by the Know Reset team**

December, 2012

## Country Profile: Portugal

The concerns of the migration policies in Portugal have been mainly twofold: respond to new migratory flows and the need to comply with EU legislation<sup>1</sup>. The influx of immigrants in Portugal has changed over the years: in the mid-1980s, it was mostly constituted of citizens from former African Portuguese colonies; from the 1990s onwards, influxes from Eastern European countries, as well as Brazil, were observed. The growing number of immigrants in irregular situations in Portugal around the same period led to the implementation of special legalisation programmes in 1992, 1996 and then again in 1998<sup>2</sup>.

Law 23/2007, of 4 July, establishes the legal framework for the entry, stay, exit and removal of foreign citizens from the national territory. Since 2008, the annual quota of visas to be issued for reason of a subordinated professional activity has significantly decreased, which has been justified by the scenario of economic crisis<sup>3</sup>. In 2010 the foreigners living in Portugal were in number of 445 262, representing a decrease when compared to the previous year. The prevailing countries of nationality were, in this period, Brazil, Ukraine, Cape Vert, Romania (the EU Member State with more citizens living in Portugal), Angola and Guinea-Bissau<sup>4</sup>.

The responsible body in Portugal for implementing the immigration and asylum policies<sup>5</sup> is the Ministry of Internal Affairs. The Aliens and Borders Service<sup>6</sup> (Serviço de Estrangeiros e Fronteiras - SEF), under the tutelage of this Ministry, has the responsibility of controlling persons movements across the borders (entry and stay), of preventing and restraining any criminal activities related with illegal immigration and human trafficking and of issuing assessments regarding applications for granting visas.

Portugal has signed and ratified the 1951 Geneva Convention relating to the Status of Refugees in 1951 and in 1976 accessed to the 1967 Protocol. The 1976 Constitution of the Portuguese Republic was the first Portuguese Constitutional text mentioning the right of asylum<sup>7</sup>. Although not being one of the European countries receiving more asylum applications, Portugal has been aware of the importance of having measures that ensure a degree of care to asylum seekers in conditions of human dignity<sup>8</sup>. The conditions and procedures for granting asylum, as well as subsidiary protection and the statuses of asylum applicant, refugee and of subsidiary protection are nowadays established in the new Asylum Law, which has also transposed EU directives into the Portuguese internal legal order<sup>9</sup>. One of the main changes introduced by this Law was the clear and direct reference to the principle of *non-refoulement* (in art. 47).

The role of the Portuguese Refugee Council (Conselho Português para os Refugiados - CPR), a non-governmental development organization, which is also representing the United Nations High Commission for Refugees (UNHCR) in Portugal<sup>10</sup>, is certainly to highlight when it comes to asylum related-matters, having as a main purpose that of promoting a more human and liberal asylum policy, both at national and international levels.

<sup>1</sup> SEF/European Migration Network, "The Organisation of Asylum and Immigration Policies in Portugal", 2008, p. 3, available at <http://www.sef.pt/documentos/56/PTHowpoliceareorganized.pdf> [accessed 13 May 2012].

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid, pp. 7 and 17.

<sup>5</sup> Decree-Law No. 126-B/2011, of 29 December (Organic Law of the Ministry of Internal Affairs), article 2, available at [http://www.portugal.gov.pt/media/381580/lo\\_mai.pdf](http://www.portugal.gov.pt/media/381580/lo_mai.pdf).

<sup>6</sup> It is also common to see the translation of "Serviço de Estrangeiros e Fronteiras" to "Portuguese Immigration Service".

<sup>7</sup> OLIVEIRA, Andreia Sofia Pinto, "O Direito de Asilo na Constituição Portuguesa: Âmbito de Protecção de um Direito Fundamental", Coimbra Editora, 2009, p. 74.

<sup>8</sup> Commission Decision C(2008) 6432 final, Annex I, p. 3.

<sup>9</sup> Law 27/2008 of 30 June 2008, Establishes the conditions and procedures for granting asylum and subsidiary protection and the statuses of asylum applicant, refugee and of subsidiary protection, transposing into internal juridical order Council Directives ns 2004/83/CE, of 29th April and 2005/85/CE, of 1st December [Portugal], 27/2008, 30 June 2008.

<sup>10</sup> This organization is a UNHCR partner since July 1993 and in December 1998 it began also to represent the latter in Portugal (due to the fact that UNHCR ceased to have its own representation in Portugal), by means of a cooperation agreement. - CPR, "Apresentação", <http://www.refugiados.net/novosite/apresentacao.html> [accessed 13 May 2012]; Commission Decision C (2008) 6432 final, Annex I p. 19.

The number of asylum applications increased significantly and suddenly from 2010 (160 applications<sup>11</sup>) to 2011 (275 applications<sup>12</sup>). This increase on the number of applications caused a serious humanitarian situation of refugees in Portugal, since the capacity of the Reception Centre for Refugees (Centro de Acolhimento para Refugiados - CAR)<sup>13</sup> was exceeded. Resettled refugees are, in like manner, accommodated in reception centers.

In 2006, in a strong link with the UNHCR, and following its appeals on these matters<sup>14</sup>, Portugal started resettling on an *ad hoc* basis. In 2007, the resettlement of at least 30 people per year had proved to be essential, giving origin to the Resolution of the Council of Ministers No. 110/2007, of 12 July 2007, which defined a quota of at least 30 refugees per year, “namely to face refugee resettlement requests” (recital 7).

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<sup>11</sup> The Aliens and Borders Service. Available at <http://www.cpr.pt/> under Estatísticas.

<sup>12</sup> Ibid.

<sup>13</sup> Information on this Centre can be found at <http://www.cpr.pt/>.

<sup>14</sup> “The Organisation of Asylum and Immigration Policies in Portugal”, op.cit., pp. 8 and 18; and Cabinet of the Secretary of State for Internal Affairs, e-mail interview for Know Reset, 24 February 2012.

Asylum Profile	
<u>Number of protection status granted</u> <sup>15</sup>	50 (2011) 57 (2010)
Number of asylum seekers <sup>16</sup>	275 (2011) 160 (2010)
Resettlement Scheme	Programme-Based (since 2007)
Resettlement Quota	30 persons/year (since 2007)
I. Legal and Administrative Framework	
Asylum law / Aliens Act <u>Asylum Law 27/2008</u> , 30 <sup>th</sup> June 2008.	Establishes the conditions and procedures for granting asylum and subsidiary protection and the statuses of asylum applicant, refugee and of subsidiary protection, transposing into internal juridical order Council Directives numbers 2004/83 EC, of 29 <sup>th</sup> April and 2005/85 EC, of 1 <sup>st</sup> December – hereafter Asylum Law.  <i>Specific provision on Resettlement:</i> in Chapter III (“Procedure”), Section V (“Resettlement of Refugees”) of the Asylum Law.
Other basis of resettlement: <u>Resolution of the Council of Ministers No. 110/2007</u> , 12 July 2007 – hereafter Resolution 110/2007;  European Commission Decision C(2008) 6432final, from 06/11/2008, approving, for Portugal, the multi-annual programme for the period 2008-2013, the 2008 annual programme for the European Refugee Fund and the co-financing for 2008 from that Fund.	Defines a quota of at least 30 refugees per year.  Launches a multi-annual programme <ul style="list-style-type: none"> <li>• Continuity in resettlement (following the ad hoc resettlement in 2006 and 2007);</li> <li>• Privilege to citizens coming from the African continent and from Eastern Europe, but not excluding other situations of citizens coming from other places, if these justify their priority selection, mainly for serious humanitarian reasons;</li> </ul> Reference to a minimum quota of 30 resettled refugees per year (as defined in the Resolution 110/2007).
On-going or foreseeable project/reform	There is no on-going specific project/reform. Notwithstanding, Portugal is committed to develop, in an annual basis, “a pro-active planning of activities in particular as regards the reception and integration of resettled refugees” <sup>17</sup> .

<sup>15</sup> The Aliens and Borders Service. Available at <http://www.cpr.pt/> under Estatísticas.

<sup>16</sup> Ibid.

<sup>17</sup> Cabinet of the Secretary of State for Internal Affairs, e-mail interview for Know Reset, 24 February 2012.

<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) <u>On an ad hoc basis</u></b> 2006 <sup>18</sup>	17 <u>Country of Origin</u> : 4 DR of Congo, 1 Congo, 5 Ivory Coast, 2 Liberia, 4 Eritrea, 1 Ethiopia. <u>Country of First Asylum</u> : 17 Morocco.
<b>b) On a programme basis</b> Since 2007	A minimum quota of 30 refugees/year.
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	n/a
<b>d) Through other Projects</b> Governmental Level Non-Governmental Level	n/a n/a
<b>e) “Resettlement-like” experience</b> From Guantanamo  Intra-EU “Relocation”	n/a In 2010, Portugal received 6 persons coming from Malta, where they had previously been recognised with the international protection status. In 2007 Portugal had already received persons coming from Malta. If these people had been granted international protection in Malta, they would have fell under the category of relocation. Since they had not been granted the mentioned protection status, they could not be eligible for relocation in Portugal. Only the UNHCR had recognised them as refugees. Therefore, they were considered resettled refugees. <sup>19</sup>

<sup>18</sup> Sources: The Aliens and Borders Service, “Reinstalação em Portugal, 2006-2009”, table available at <http://www.cpr.pt/reinstalacao/> [accessed 13 May 2012].

<sup>19</sup> Cabinet of the Secretary of State for Internal Affairs, op.cit.



<b>III. Resettlement Implementation</b>	
<u><b>Refugees resettled</b></u>	
2011 <sup>20</sup>	<p><b>30</b></p> <p><u>Country of Origin</u>: 23 Eritrea, 5 Iraq, 2 Mauritania</p> <p><u>Country of First Asylum</u>: 2 Senegal, 4 Syria, 23 Tunisia, 1 Ukraine</p> <p><u>Gender</u>: 13 Male, 17 Female</p> <p><u>Age</u>: 12 in 0-15, 2 in 16-20, 9 in 21-40, 6 in over 40 age brackets.</p> <p><u>Religion</u>: 15 Christian, 14 Muslim, 1 Orthodox</p>
2010 <sup>21</sup>	<p><b>33</b></p> <p><u>Country of Origin</u>: 6 Afghanistan, 7 DR of Congo, 1 Ethiopia, 1 Iran, 13 Iraq, 3 Somalia, 2 Uganda</p> <p><u>Country of First Asylum</u>: 1 Belarus, 1 Libya, 9 Mozambique, 13 Syria, 9 Ukraine</p> <p><u>Gender</u>: 11 Male, 22 Female</p> <p><u>Age</u>: 10 in 0-15, 5 in 16-20, 9 in 21-40, 9 in over 40 age brackets</p> <p><u>Religion</u>: 14 Christian, 19 Muslim</p>
2009 <sup>22</sup>	<p><b>30</b></p> <p><u>Country of Origin</u>: 10 Afghanistan, 12 DR of Congo, 3 Ethiopia, 4 Iraq, 1 Somalia</p> <p><u>Country of First Asylum</u>: 4 Syria, 12 Tanzania, 14 Ukraine</p> <p><u>Gender</u>: 13 Male, 17 Female</p> <p><u>Age</u>: 15 in 0-15, 5 in 16-20, 3 in 21-40, 7 in over 40 age brackets.</p> <p><u>Religion</u>: 12 Christian, 15 Muslim, 3 Orthodox</p>
2008 <sup>23</sup>	<p><b>11</b></p> <p><u>Country of Origin</u>: 6 Eritrea, 5 Iraq</p> <p><u>Country of First Asylum</u>: 6 Angola, 5 Syria</p>

<sup>20</sup> Sources: The Aliens and Borders Service /Departamento de Planeamento e Formação (Núcleo de Planeamento), Coordenação João Ataíde e Pedro Dias, "Relatório de Imigração, Fronteiras e Asilo – 2011", Oeiras, Portugal, p. 52; SEF.

<sup>21</sup> Sources: The Aliens and Borders Service /Departamento de Planeamento e Formação (Núcleo de Planeamento), Coordenação João Ataíde e Pedro Dias, "Relatório de Imigração, Fronteiras e Asilo – 2010", Oeiras, Portugal, p. 54; SEF.

<sup>22</sup> Sources: The Aliens and Borders Service /Departamento de Planeamento e Formação (Núcleo de Planeamento), Coordenação João Ataíde e Pedro Dias, "Relatório de Imigração, Fronteiras e Asilo – 2009", Oeiras, Portugal, p. 79; SEF.

<sup>23</sup> Source: The Aliens and Borders Service, "Reinstalação em Portugal, 2006-2009", table available at <http://www.cpr.pt/reinstalacao/> [accessed 13 May 2012].

a) Selection Criteria and Process – Pre-Arrival Phase	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>Portugal follows the same criteria as UNHCR, as well as the ones resulting from the multiannual programme (2008-2013)<sup>24</sup>, namely in the categories identified in paragraph 3 of Article 13 of FERIII<sup>25</sup>:</p> <ul style="list-style-type: none"> <li>– “persons from a country or region designated for the implementation of a Regional Protection Programme” (par. 3, (a));</li> <li>– “unaccompanied minors” (par. 3, (b));</li> <li>– “children and women at risk, particularly from psychological, physical or sexual violence or exploitation” (par. 3, (c));</li> <li>– “persons with serious medical needs that can only be addressed through resettlement” (par. 3, (d)).</li> </ul> <p>In 2011, however, priority was not anymore given to persons with serious medical needs<sup>26</sup>.</p> <p>There have been some criteria considered to be of preferential or priority relevance in each year. More specifically, in 2008 privilege was to be given to citizens coming from the African continent and from Eastern Europe<sup>27</sup>; in 2009 the selection of Iraqi refugees coming from Syria and Jordan, particularly children and women at risk, were subject to preferential selection<sup>28</sup>; and in 2010 privilege was to be given to people from countries subject to a Regional Protection Programme, emphasizing the categories of people who are in situations of obvious vulnerability, as women alone or with children and individuals from ethnic minorities<sup>29</sup>. In any of these years it was, however, always recognised that these preferential or priority criteria would not exclude citizens from other countries or in different situations that would justify the priority selection, mainly for serious humanitarian reasons.</p>

<sup>24</sup> Commission Decision C(2008) 6432 final, of 06/11/2008, Annex 1.

<sup>25</sup> Cabinet of the Secretary of State for Internal Affairs, interview, op.cit..

<sup>26</sup> UNHCR, Division of International Protection, “Resettlement handbook”- “Country Chapters - Portugal”, July 2011, p. 4.

<sup>27</sup> Commission Decision C(2008), Annex II, p. 8 and Annex II, p. 18.

<sup>28</sup> Commission Decision C(2009) 3330 final, from 05.05.2009, Annex, p. 17.

<sup>29</sup> Commission Decision C(2010) 2656, of 27/04/2010, Annex, p. 17.

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>n/a</p> <p>Processing of resettlement cases shall be carried out by the Immigration Service – in practice by its Refugee and Asylum Cabinet (<i>Serviço de Estrangeiros e Fronteiras/Gabinete de Asilo e Refugiados</i>).</p> <p>According to art. 35 of the Asylum Law, the stakeholders involved in the procedure are the Ministry of Internal Affairs, the Portuguese Aliens and Borders Service and the Portuguese Refugee Council. The Immigration Service/Refugee and Asylum Cabinet relies on UNHCR's prior refugee status determination when considering an individual application for resettlement. The requests for the resettlement of refugees under the mandate of the UNHCR shall be presented to the Government member responsible for the internal affairs area.</p> <p>The selection process on a dossier or mission basis is not specifically provided for in Portuguese legislation. Portugal has been carrying out the resettlement decisions only on a dossier review basis<sup>30</sup>.</p> <p>To underline is the position of the CPR on this issue, which has already alerted for the difficulties inherent to this selection method, supporting an eventual choice of the selection on a mission basis<sup>31</sup>.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural Orientation</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>(Non systematic) distribution of a "Cultural Orientation Leaflet for Resettled Refugees in Portugal", prepared in 2008 by the CPR and the Immigration Service with the support of the ERF<sup>32</sup>.</p> <p>The CPR has already considered of great importance to have specific programmes of "awareness before the departure", in order to better inform refugees on what is expecting them in Portugal<sup>33</sup>.</p> <p>No cooperation agreement with the IOM to date on travel arrangements, hence all travel arrangements are organised by the Immigration Services in cooperation with the Ministry of Foreign Affairs/Directorate-General for Consular Affairs and UNHCR.</p> <p>No agreement with IOM.</p>
<p><b>Procedure Timing</b></p>	<p>The time frame for the procedure is legally defined in Article 35 of the Asylum Law:</p> <p>2. The Portuguese Immigration Service shall ensure the necessary proceedings for the course and the decision on applications within a period of ten days.</p>

<sup>30</sup> Cabinet of the Secretary of State for Internal Affairs, interview, op.cit; UNHCR, op.cit.

<sup>31</sup> CPR, "Programa Nacional de Reinstalação: reflexões sobre a sua operacionalização", August 2008, p. 4.

<sup>32</sup> UNHCR, op.cit.

<sup>33</sup> CPR, "Programa Nacional de Reinstalação: reflexões sobre a sua operacionalização", August 2008, p. 4, p. 5.

	<p>3. The Portuguese Refugee Council shall be informed on the lodged applications and may render an opinion upon said applications within five days.</p> <p>4. The Government member responsible for the internal affairs area shall decide on the acceptance of the resettlement request within 15 days.</p> <p>However, the average period for processing the requests is 4 months<sup>34</sup>.</p>
<b>Comments</b>	<p>Another issue herewith related is the timing of arrival of resettled refugees (and whether they arrive in groups or alone). The President of the CPR, Dr.<sup>a</sup> Maria Teresa Tito Morais, has shared the desire to see the minimum quota being filled gradually along the year, instead of receiving many people simultaneously<sup>35</sup>.</p>
<b>b) Status and Rights – Post-Arrival phase</b>	
<p><b>Status granted</b></p> <p><a href="#">Asylum Law</a>, article 35, pars. 1, 4 and 5, the latter referring to Chapter VII of the same Law (“Refugee and subsidiary protection status”)</p>	<p>Refugee or subsidiary protection - It is the Minister of Internal Affairs who determines (based on legal provisions) which of the two statuses to grant<sup>36</sup>.</p> <p>The respective status is granted with the acceptance of the resettlement request (Asylum Law, art. 35, par. 5) and is therefore not dependant on a specific and separate application for that purpose.</p>
<p><b>Rights granted</b></p> <p>Article 65 of the Asylum Law</p> <p>Articles 66 to 76 of the Asylum Law</p>	<p>“Beneficiaries of the refugee status and subsidiary protection are entitled to the rights and must comply with the obligations of aliens living in Portugal.”</p> <p>Specific provisions on rights of the refugee status and subsidiary protection beneficiaries:</p> <p>Information, residence permits, maintain family unit, travel documents, access to education, access to employment, social welfare, healthcare, access to housing, freedom of movement within Portuguese territory, Integration programmes.</p> <p>The CPR is the NGO responsible for providing independent legal counselling to asylum seekers and refugees at all stages of the asylum procedure (article 49 (4) of Asylum Law 27/2008)</p>

<sup>34</sup> UNHCR, op.cit.

<sup>35</sup> “Portugal recebeu apenas três refugiados ao abrigo do Programa de Reinstalação” [Portugal has only received three refugees under the Resettlement Programme], article in the newspaper *Público*, 20.06.2010, <http://www.publico.pt/Sociedade/portugal-recebeu-apanas-tres-refugiados-ao-abrigo-do-programa-de-reinstalacao-1442781>.

<sup>36</sup> Cabinet of the Secretary of State for Internal Affairs, op.cit.

<i>Airport Arrival</i>	Resettled refugees are met by a member of the CPR staff accompanied by a translator. They receive basic information on transfer and reception arrangements. Transportation to the Reception Centre located in Bobadela, located circa 10 Km from the airport.
<i>Info upon arrival</i>	At the Reception Centre, resettled refugees are provided with initial information on its functioning rules, staff composition, rights and duties during their stay, and service provision. The pre-departure information pamphlet prepared by the CPR and the Immigration Service is distributed.
<i>Preparing local community</i>	Provided by the CPR.
<i>Developing Integration Programme</i> <i>(Housing, health, education)</i>	Accommodation in the reception centre for up to 6 months, with all the services. The transition of resettled refugees into private housing is prepared by the CPR in cooperation with local social security services. Financial assistance granted to resettled refugees by social security services covers accommodation, food and other private expenses, transportation, education and health care.
<i>Cultural orientation</i>	At the reception centre.
<i>Counselling</i>	Provided by NGO members of the “Rede Alargada”, notably the “Associação Portuguesa de Apoio à Vítima –APAV” and the “Centro de Apoio à Vítima de Tortura em Portugal – CAVITOP”.
<i>Language/Skills training</i>	In the reception centre. Assistance provided by the CPR.
<i>Family Reunification</i>	In accordance to Article 68 of Asylum Law 27/2008 refugees are entitled to the extension of their status to family members residing either in Portugal or abroad.
<i>Advice of Accessing Services</i>	Provided by the CPR in the reception centre. Upon his accommodation in individual housing, a social worker of the Institute of Social Security (ISS) is designated to follow-up on the refugee’s integration.
<b>Comments</b>	The tripartite (State, UNHCR, NGO) nature of the resettlement programme from the onset – in particular NGO involvement in planning and implementation as core reception and integration service providers - is highlighted as a positive feature. Despite instances of insufficient coordination and duplications in service provision, role setting at operational level between relevant stakeholders seems quite well established. For post arrival this setting stems from the structure that was already in place for the reception and integration of spontaneous asylum seekers. It is rooted in both legal attributions, particularly in the case of international organisations (e.g. UNHCR) and public services (immigration service, social support services, health services, education, employment and training); partnership and funding agreements (e.g. European Refugee Fund) between the government and the main service provider (CPR); as well as on operational coordination among relevant stakeholders in the framework of existing coordination structures (e.g. <i>Rede Alargada</i> ).

c) Costs and Funding																									
<b>Funding</b>  – <i>National Level</i>  – <i>ERF</i>  Overall Resettlement Budget <sup>37</sup>	25% of the national budget <sup>38</sup>  75% of the ERF contribution <sup>39</sup> <table><tr><td></td><td>2008</td><td>2009</td><td>2010</td><td>2011</td></tr><tr><td>ERF</td><td>120,000.00</td><td>120,000.00</td><td>120,000.00</td><td>120,000.00</td></tr><tr><td>National Funding</td><td>40,000.00</td><td>40,000.00</td><td>40,000.00</td><td>40,000.00</td></tr><tr><td>% ERF Contribution</td><td>75%</td><td>75%</td><td>75%</td><td>75%</td></tr></table>						2008	2009	2010	2011	ERF	120,000.00	120,000.00	120,000.00	120,000.00	National Funding	40,000.00	40,000.00	40,000.00	40,000.00	% ERF Contribution	75%	75%	75%	75%
	2008	2009	2010	2011																					
ERF	120,000.00	120,000.00	120,000.00	120,000.00																					
National Funding	40,000.00	40,000.00	40,000.00	40,000.00																					
% ERF Contribution	75%	75%	75%	75%																					
<b>Costs</b>	n/a																								
<b>Comments</b>	The institute of resettlement is, for the Portuguese State, “an essential element of the common asylum policy, which is based on solidarity among Member States” <sup>40</sup> . Recognising this importance, Portugal is now <sup>41</sup> “(...) promoting a wider debate, identifying all the institutions that could play a role in various stages of a resettlement program, including local authorities in order to articulate and frame all the activities concerning resettlement within a broader policy.” At this moment, it is not, however, desirable to increase the minimum quota of resettled refugees <sup>42</sup> .																								

<sup>37</sup> Commission Decision C(2008) 6432 final, from 06/11/2008, Annex I, p. 24, table 7.2.1.

<sup>38</sup> Ibid, and Annex II, pp. 17 and 18, C(2009) 3330 final, from 05.05.2009, pp. 18 and 20, C(2010) 2656, of 27/04/2010, p. 19, and C(2011) 2745 final, of 18/04/2011, pp. 17 and 18.

<sup>39</sup> Ibid.

<sup>40</sup> Resolution 110/2007, preamble.

<sup>41</sup> Cabinet of the Secretary of State for Internal Affairs, op.cit.

<sup>42</sup> Ibid.



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## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Romania***

Report written by

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**Andrea Mocanu (ECRE)**

**and reviewed by the Know Reset team**

June, 2013



**ecre**

European Council  
on Refugees and Exiles

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## Country Profile: ROMANIA

In 1991 Romania ratified the UN Convention (1951) and Protocol Relating to the Status of Refugees (1967).<sup>1</sup> In June 1995 it presented its official application for EU membership, thus starting a process of significant modifications of its asylum system with a view to harmonising it with EU standards. On 27 February 2003, the [Emergency Government Ordinance no. 194/2002](#) on the legal status of aliens in Romania entered into force.

Approximately half of Romania's borders are with non-EU countries: Moldova, Ukraine, and Serbia. In addition, Romania is sharing borders with two EU countries: Hungary and Bulgaria. The number of asylum applications has fluctuated from year to year, with 15,605 applications being received between 1991 and the end of 2006.<sup>2</sup> On May 4<sup>th</sup> 2006, Romania adopted its main law governing the asylum procedure, Law no. 122/2006 on Asylum in Romania. This was done as part of the process of Romania's alignment with EU legally binding norms on asylum policy.

On January 1st 2007, Romania became a member of the EU and consequently part of EU common asylum policy. Approximation/transposition of the EU *acquis* in the field of migration and asylum became one of the priorities of the Romanian authorities. Thus Law no. 122/2006 on asylum in Romania was further amended in 2007 in order to update that legislation with EU directives related to asylum. Access to the Schengen Area has been postponed, officially because of gaps in the border security system.

In 2008, 931 people applied for asylum in Romania, an increase of 45% from 2007 when 657 asylum requests were submitted. 87 people obtained refugee status and 7 were granted subsidiary protection. In court, 15 people obtained refugee status and 28 were given subsidiary protection.<sup>3</sup> In the first 11 months of 2011, a total of 1,862 asylum applications were submitted, out of which some 306 had already applied for refugee status. This number of asylum applications is almost double in comparison with the same period for 2010. During 2011 a new challenge was raised, following the impact of the geopolitically context coming with the "Arab Spring". If in the last 20 years (1991-2010), Romania had registered only 65 asylum applications from Algeria, during 2011 Algeria represented the first country of origin present in the official statistics having a number of 431 asylum applications registered by the Romanian authorities.

The overall political, social and economic situation in Romania remains challenging. In 2011, the general economic situation was characterized by a reduction of public sector employees, reduction of some of the social benefits, and in general a high level of social insecurity. In spite of the austerity measures taken by the government, none of the financial benefits of persons of concern were affected.

However, some measures taken in the reception/accommodation centres to reduce the costs of utilities, prompted reactions among the beneficiaries. The general staff reduction in the Romanian Immigration Office - Directorate of Asylum and Integration, as a result of the budgetary constraints is also problematic.

In terms of legislative improvements, in 2011 specific provisions were adopted in the Aliens Law, allowing persons with tolerated status (most of them finally rejected asylum-seekers) to legally work in Romania.

In 2006, six Regional Centres for Accommodation and Asylum Procedures were operating, offering shelter for 1,312 asylum applicants and another two such centres were due to open.<sup>4</sup> The Regional Centres for Accommodation and Asylum Procedures run by the Romanian Government, are currently located in Bucharest, Giurgiu, Galati, Radauti, Maramures, and Timisoara.

The first Tripartite Agreement (UNHCR, IOM and the State) establishing an Emergency Transit Centre (ETC) was concluded by Romania in November 2008. With the help of the Romanian Government and the International Organization for Migration, UNHCR is running the ETC for the temporary evacuation of people in need of international protection and their onward resettlement to their future home countries. The ETC

<sup>1</sup> Law no. 46/1991 on Romania's accession to the Refugee Convention and Protocol on the Status of Refugees.

<sup>2</sup> See Focus Migration Romania, available at <http://focus-migration.hwwi.de/Romania.2515.0.html?&L=1>

<sup>3</sup> JRS web site, at <http://www.jrseurope.org/countries/romania.htm>

<sup>4</sup> [http://www.bpb.de/themen/C6FB7C,0,Refuge\\_and\\_Asylum.html](http://www.bpb.de/themen/C6FB7C,0,Refuge_and_Asylum.html)



Timisoara was opened on March 12<sup>th</sup>, 2009. From the entry into force of the trilateral Agreement until present, the evacuated refugees who were located in the ETC have been resettled in the USA, Canada, Sweden, the UK, Norway and Germany. The Netherlands have pioneered the use of videoconferencing for resettlement interviews at the ETC in Timisoara, Romania.

Refugees are located in the same camp as asylum seekers who are awaiting proceedings and those persons who have already received refugee status from Romania. The capacity of the accommodation is 200. With regard to transfers to ETCs in Romania, the length of stay should normally not exceed six months as provided in the Agreement, although there is the option to extend the period of stay under exceptional circumstances.<sup>5</sup> More than 600 refugees have transited the Centre.<sup>6</sup>

Romania had a resettlement programme for 3 years, from 2008 until 2010. That programme planned for the resettlement of 40 refugees per year for a 3 years period. Yet, only 38 refugees were resettled during the first year of the programme. The programme has not been implemented the following years. In 2012, a new Government Decision on resettlement was adopted to launch a resettlement programme for the second part of 2013.

Asylum Profile	
<a href="#"><u>Number of protection status granted</u></a> <sup>7</sup>	108 (2011) 123 (2010)
Number of asylum seekers <sup>8</sup>	2,064 (2011) 1,038 (2010)
Resettlement Scheme	Programme-Based (since 2008)
Resettlement Quota	40/2 years (2012-2013)
I. Legal and Administrative Framework	
Asylum law / Aliens Act <a href="#"><u>Law no. 122/2006 on Asylum</u></a> in Romania	<p>Regulates the asylum procedure in Romania as well as the rights and obligations of refugees. Art. 3(5): 'The Ministry of Administration and the Interior, through the Romanian Office for Immigration, can propose that Romania accepts refugees that are in other states, who have been recognized according to the Geneva Convention. The number and conditions of acceptance of these people will be established through a Government decision. These people will have the same rights and obligations in Romania as the refugees recognized by the Romanian State.'</p> <p>In the absence of a specific Government Decision on resettlement, as the Government Decision 1596/2008, Art. 3(5) of Law 122/2006 applies as <i>lex generalis</i>. Other Articles of relevance for the resettlement procedure in Romania are: Arts.2, 3, 17 and 18 (rights of asylum seekers), 19 (obligations of asylum seekers), 20 (rights of refugees), 22 (obligations of refugees), 23, 26.</p>

<sup>5</sup> According to the Tripartite Agreement.

<sup>6</sup> For an evaluation of their stay, see Machiel Salomons, UNHCR's representative in Romania, declaration of June 8<sup>th</sup>, 2010. See <http://www.unhcr.org/4c0e76e29.html>  
And 2010 Participatory Assessment Report of UNHCR Being a refugee How refugees and asylum-seekers experience life in Central Europe, available online at <http://reliefweb.int/report/bulgaria/being-refugee-how-refugees-and-asylum-seekers-experience-life-central-europe>

<sup>7</sup> Source: Romanian Office for Immigration.

<sup>8</sup> Ibid.

<p><b>Other basis of resettlement:</b></p> <p><a href="#"><u>Agreement between the Government of Romania and the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration</u></a> Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement with UNHCR, signed on May 8, 2008</p> <p><a href="#"><u>Government Decision no. 1596 of 4 December 2008</u></a> on Resettlement of Refugees in Romania</p> <p><a href="#"><u>Government Decision no. 810/2012</u></a> concerning the amendment of Government Decision 1596/2008 on the Resettlement of Refugees in Romania, published in the Official Journal of 10.08.2012</p>	<p>Established an Emergency Transit Centre in Timisoara. The ETC, the first of its kind in Europe, hosts refugees in urgent need of evacuation from their first asylum countries due to life threatening conditions, for a maximum period of 6 months, during which they are resettled to third countries.</p> <p>Under the Agreement, the UNHCR covers all the costs resulting from the refugees' stay in the Romanian ETC. The Ministry of Interior, through the Romanian Office of Immigration (ROI), provides the UNHCR with the accommodation spaces necessary for the persons covered by this Agreement and workspaces necessary to the UNHCR, its partners and the IOM. The ROI bears the costs of the accommodation and workspaces.</p> <p>Defines a resettlement quota (120 refugees/3 years) and a procedure to be implemented from 2008 to 2010.</p> <p>Revises the quota (40 refugees/2 years) and improves the resettlement procedures to be implemented in 2012-2013.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>UNHCR Protection priorities for the year 2012 aim at reducing the shortcomings in the Romanian asylum system, implementation of the newly adopted regulations in this field – having as a priority for 2012 the new provisions of the Governmental decision regarding the resettlement in Romania - and ensuring that the protection offered by Romania is in conformity with the 1951 Convention and other international and regional standards in refugee protection, including good practice at international and European level.</p>
<p><b><i>II. Resettlement Policy and Related Involvements</i></b></p>	
<p><b>a) On an ad hoc basis</b></p>	<p>n/a</p>
<p><b>b) On a programme basis</b></p> <p>Between 2008-2010</p> <p>2012-2013</p>	<p>On the basis of the Government Decision no 1596/2008, Romania promised to resettle a maximum of 120 refugees for the duration of the Programme (3 years), in annual quotas of 40 refugees.</p> <p>Committed to resettling 40 refugees over 2 years (2012 and 2013), in annual quota of 20 refugees.</p>
<p><b>c) “Temporary Resettlement”:</b></p> <p><b>Humanitarian Evacuation</b></p> <p>1999</p> <p>July 2005</p>	<p>Relocation of 4,000 Bosnian refugees for resettlement to the USA.</p> <p>Romania's agreement to temporarily shelter 439 Uzbek refugees airlifted from Kyrgyzstan and eventually resettled to other EU member states, to</p>

ETC Timisoara	<p>Canada and the USA. The operation helped to pave the way for the establishment of the ETC in 2008.</p> <p>Since its establishment in 2008, the Evacuation Transit Centre Timișoara had processed 851 refugees. So far, 525 refugees found a new home in the USA, 122 in the UK, 75 were received by the Netherlands, 65 by Canada and 45 by Sweden. Other 19 refugees went to Finland (8), Australia (7) Norway (3) and Germany (1). Most of refugees hosted at the ETC were of Palestinian (354), Eritrean (203) and Sudanese (138) origin. In April 2011, 30 Eritrean refugees arrived in the Timisoara ETC from a camp in Tunisia after having fled from Libya.<sup>9</sup></p>
<p><b>d) Through other Projects</b></p> <p><i>Governmental Level</i></p> <p>2012</p> <p>2008</p> <p><i>Non-Governmental Level</i></p>	<p>Twining project established between Romania and Australian authorities.</p> <p>Dutch selection mission to Jordan with the Netherlands in order to watch and learn from the Dutch selection missions. In the framework of “Durable Solutions in Practice”, Representatives from Belgium, the Czech Republic and Romania also visited the Netherlands, where they were given a general overview of Dutch resettlement policy, including quota and reception.</p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>None</p> <p>Romania was among 12 European Union states, together with another three countries not in the EU, which pledged to resettle 323 refugees who arrived in Malta as migrants in May 2011. The announcement was made at a special pledging conference convened by Home Affairs Commissioner Cecilia Maelmström as part of an intra-EU migrants’ relocation pilot project.<sup>10</sup></p>
<b>Comments</b>	<p>The quotas due for 2008 and 2010 (80 refugees) have not been fulfilled due to the delayed approval of Government Decision no. 1596/2008 on resettlement of refugees in Romania, as well as due to the economic and social situation resulting from the global economic crisis.<sup>11</sup> The Government Decision no. 1596/2008 expired at the end of 2010 and the Government of Romania adopted another Government Decision to address future resettlement quotas and operations undertaken by Romania.<sup>12</sup></p>

<sup>9</sup> Information available at <http://www.ziare.com/articole/centrul+refugiati+timisoara>

<sup>10</sup> No specific information was provided by the Romania Office for Immigration on this aspect.

<sup>11</sup> Official reply of the ROI to the KNOW RESET questionnaire (unofficial translation in English by the author of this Report), 20 February 2012.

<sup>12</sup> According to ROI and UNHCR Romania.

<b>III. Resettlement Implementation</b>	
<p><u><a href="#">Refugees resettled</a></u></p> <p>2008<sup>13</sup></p>	<p>No refugees have been resettled in Romania since 2011. The resettlement programme based on Government 1596/2008 ended in 2010. Romania has not resettled any refugees, except in 2008.</p> <p><b>38</b></p> <p><u>Country of Origin:</u> Burma (<b>38</b>) (Kachin origin)</p> <p><u>Country of first asylum:</u> Malaysia (<b>38</b>)</p> <p><u>Gender:</u> Male (<b>14</b>), Female (<b>16</b>), Children (<b>8</b>) (The group consisted of 14 families (14 women, 14 men and 8 children) and two single women.).</p> <p><u>Age:</u> Adult age was between 23 and 60 years.</p> <p><u>Religion:</u> Christian (<b>38</b>)</p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>In order to have been considered for resettlement to Romania (based on the <u><a href="#">2012 Government Decision</a></u>), an individual must have met the following requirements:</p> <ol style="list-style-type: none"> <li>a) He or she has been recognized as a refugee in accordance with Article 1A of the 1951 Geneva Refugee Convention and its Protocol by a State or by UNHCR;</li> <li>b) He or she does not benefit from effective protection on the territory of the country of asylum;</li> <li>c) He or she does not have integration perspectives in the country of asylum;</li> <li>d) He or she does not have any prospects for voluntary repatriation to the country of origin under conditions of safety and dignity;</li> <li>e) He or she does not present a threat to public order, national security, health or public moral;</li> <li>f) He or she has expressly accepted to be resettled to Romania.</li> </ol> <p>These conditions were already required under the Government Decision, which expired at the end of 2010. The 2012 Government Decision on resettlement of refugees in Romania has eliminated the criterion relating to the potential of integration of refugees within Romanian society. This amendment was made at the express request of the UNHCR, which accords great importance to the selection criteria of the refugees and which believes that the potential of integration is not an acceptable criterion.<sup>14</sup></p> <p>The 2012 Decision also stipulates that 'The resettlement operations are established taking into account the following criteria:</p> <ol style="list-style-type: none"> <li>a) international requirements set by the UNHCR for refugee resettlement;</li> <li>b) the foreign policy of Romania;</li> <li>c) relocation requirements set at the EU level."</li> </ol>

<sup>13</sup> Source: Romanian Office for Immigration.

<sup>14</sup> Romanian Office of Immigration formal reply to the KNOW RESET questionnaire, op.cit.

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>ROI</p> <p>UNHCR, Minister of Administration and Interior, Minister of Foreign Affairs, Romanian Office for Immigration (ROI)</p> <p>According to the previous Emergency Government Decision 1596/2008, there were two ways of selecting refugees for resettlement, namely a) dossier based selections and b) in-country selection missions.</p> <p>Whilst selection missions to countries of asylum is considered the main method, dossier based selections may be used if a selection mission to an asylum country cannot be organised, based on a reasoned decision of the Director General of ROI.<sup>15</sup></p> <p>The selection procedure done by both dossier and mission method is included in the new decision adopted in 2012.</p> <p>‘Even in the case of a selection mission, a pre-selection of possible candidates (refugees in need of resettlement) is undertaken, based on the files received from UNHCR, before interviewing the refugees in the asylum country.</p> <p>Upon the decision of the Resettlement Committee on the countries of origin and the countries of first asylum of refugees to be resettled to Romania, and following the authorization by the Minister of Administration and Interior and by the Minister of Foreign Affairs, ROI proceeds to draft and forward to UNHCR a request proposing possible candidates for resettlement to Romania (accompanied by the request for resettlement).</p> <p>Upon receipt of the refugees' case (the Resettlement Referral Form - RRF) from UNHCR, ROI carries out the following activities:</p> <ol style="list-style-type: none"> <li>a. Receives and registers the resettlement files submitted by UNHCR. The files must contain the information note on the resettlement proposal together with the identification data of the refugees proposed for resettlement and their individual files;</li> <li>b. Verifies and analyses the data contained in the files submitted by UNHCR according to the competencies of services within ROI.</li> </ol> <p>The purpose of this verification and analysis is to establish whether there are reasons to exclude any of the refugees submitted by UNHCR from being interviewed and to identify aspects that shall be kept in mind during the future interview proceeding in the country of asylum.</p> <p>The results of the verifications and data analysis are included in a Report listing the refugees that are to be interviewed in the country of asylum. A brief explanation is provided when there is a decision not to interview a particular refugee. UNHCR is informed of the names of the refugees pre-selected for interview, or where appropriate, of those approved for resettlement upon examination of a dossier submission.</p> <p>After forwarding the list with the pre-selected refugees to be interviewed in country of asylum, the ROI establishes contact with the UNHCR Representation in Romania or directly with the competent authorities from the country of asylum in order to agree the practical details of the selection mission.</p>
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<sup>15</sup> According to the UNHCR Report on resettlement in Romania and Law 122/2006 and H.G. 1596/2008. The aforementioned UNHCR Report is available at [http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4ecb9c00d&skip=0&advsearch=y&process=y&allwords=&exactphrase=&atleastone=&without=&title=resettlement handbook country chapter&monthfrom=&yearfrom=&monthto=&yearto=&coa=&language=&citation=](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4ecb9c00d&skip=0&advsearch=y&process=y&allwords=&exactphrase=&atleastone=&without=&title=resettlement%20handbook%20country%20chapter&monthfrom=&yearfrom=&monthto=&yearto=&coa=&language=&citation=)

	<p>The purpose of the interviews with the refugees is to evaluate their situation in accordance with the resettlement selection criteria. Based on the results of the evaluation, the selection mission will propose the refugees to be accepted for resettlement in Romania.</p> <p>The family members of the Principal Applicant are also interviewed by the selection mission. At the beginning of the interview, the refugees are explained the purpose of the interview and the selection procedure. The medical evaluation is carried out on each refugee by a medical doctor.</p> <p>The officer conducting the interview with the refugee, assisted by the integration officer, counsels the interpreters prior to the interview on the rules which they must observe when interpreting.</p> <p>A report is drafted for each individual refugee case which contains the conclusions of the evaluation with respect to each of the selection criteria. Upon return to Romania, the Head of the selection mission will propose the list of refugees to be accepted for resettlement. The list of accepted refugees must be approved by the Director General of the ROI. Once this approval is obtained, the acceptance decisions are shared with UNHCR.<sup>16</sup></p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>Possible cultural orientation and counselling services provided by ROI.</p> <p>In order to inform refugees on integration activities in Romania and preparing integration programs, NGOs engaged in projects on the integration of refugees in Romania, financed by the ERF, participate in selection missions by ROI.</p> <p>ROI, in partnership with an organisation to be determined.</p> <p>Red Cross and ROI, for travel safety purpose.</p>
<b>Procedure Timing</b>	<p>The Government Decision on resettlement in Romania no 1596/2008 came into force on December 2008. The decision approving the resettlement of the 40 Burmese refugees was adopted in mid-2009 and the refugees arrived in Romania (Bucharest) on May 31<sup>st</sup>, 2010).</p>
<b>Comments</b>	<p>Within the framework of the first resettlement programme run by Romania, one of the criteria used for the selection of the refugees for the purpose of their resettlement was their potential for integration. The 2012 Decision which regulates the conditions for accepting refugees from other countries by Romania for the period of 2012-2013 no longer provides 'potential integration' as a selection criterion because resettlement is considered primarily as a tool for ensuring protection of refugees.<sup>17</sup></p> <p>Refugee still have to expressly accept to be resettled to Romania as it appears that the refugees who were previously resettled in Romania did not want to be received there left the country after getting their documents<sup>18</sup>.</p> <p>The involvement of NGOs during the selection process (to provide preparation for integration) is to be noted.</p>

<sup>16</sup> Report on resettlement in Romania written by the Romanian Office for Immigration based on information available until July 2011, see UNHCR Handbook on resettlement, Chapter on Romania, available online at <http://www.unhcr.org/refworld/country,,,ROM,,,10.html>

<sup>17</sup> According to the Romanian Office for Immigration reply to the KNOW RESET questionnaire, op.cit.

<sup>18</sup> 2010 Participatory Assessment Report of UNHCR Being a refugee How refugees and asylum-seekers experience life in Central Europe, op.cit.



<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b> <a href="#"><u>Government Decision no. 810/2012</u></a>	<p>After entering Romania, ROI shall issue, within 30 days, decisions whereby the transferred persons are recognized as refugees in Romania and they will be issued documents according to the law.</p>
<b>Rights granted</b> <i>Developing Integration Programme (Housing, health, education)</i>  <i>Cultural orientation</i>  <i>Counselling</i>  <i>Language/Skills training</i> <i>Employment</i>	<p>“All persons granted refugee status or subsidiary protection can register for the ROI integration programme. This programme is 6 months long with a possible supplementary 6 months, and includes: Romanian language courses, cultural accommodation sessions, counselling and support in order to have access to rights in Romania, financial support (similar to the one granted to asylum seekers). 50% of the rent for accommodation for a maximum 12 month period which dependant on the refugee having finalized the integration programme.</p> <p>Held in the Regional Reception / Accommodation Centres in Bucharest, Timisoara, Galati, Radauti and Maramures and carried out by RIO counselors twice a week. These sessions are organized in modules: History and Geography, Romania - democratic state, The human/individual and society and EU Values.</p> <p>Within the Integration Programme, the refugee will be explained how a job may be obtained. The refugee will be registered at the state institution, which assists with searching for employment. The refugee will be assisted in obtaining social support if he/she does not have the means to earn a living. The refugee will be assisted in benefiting from medical care.</p> <p>For adults and children.</p> <p>If the National Agency for Employment identifies a job for a specific refugee in Romania, the refugee is obliged to go to that locality for attending an interview with the employer. If the employer agrees to offer the refugee a job, that refugee is obliged to take up residency in the locality in which the job is located. The local City Hall will try to offer social housing. If there is no social housing available in that locality, the refugee will have to rent a house and RIO will contribute 50% of the rent for one year.</p>
<b>Comments</b>	<p><i>Save the Children Romania</i> and the <i>Jesuit Refugee Service Romania</i> were the NGOs that run integration programmes for the refugees resettled in Romania and accommodated in the Regional Centre for Accommodation and Asylum Procedures in Galati.</p> <p>According to a UNHCR Report ‘The group [of 38 refugees resettled in Romania] were extremely unhappy about their current situation and what they felt was a dire socio-economic condition compared to their lives in Malaysia, where there were plenty of jobs and good wages. They claimed that the financial assistance and in-kind donations in Romania were not enough to sustain a decent living, and that they could not afford even to buy milk and diapers for the children. Some rejected the financial assistance eventually provided by the Government on the grounds that it was too low.</p> <p>As some of them had assessed that the initial salaries they might earn in Romania would not cover all their needs, most did not want to actively participate in the integration process any longer. At the time of the interviews, only three families were making an effort to learn Romanian and seeking jobs in local businesses. Most families even refused to enroll</p>

	<p>their children in schools and kindergartens. The refugees claimed they had been given confusing information about their new home country by the Romanian authorities and UNHCR during the cultural orientation course prior to their departure. They criticized Romania for not being a good resettlement country and demanded that the UNHCR send them to the USA or a Nordic country.</p> <p>Group leaders emerged who influenced others to actually oppose integration and persuaded them not to bother learning the Romanian language. They were convinced that the best option open to them was to leave Romania as soon as possible.<sup>19</sup> They were made to believe the best option was to leave Romania as soon as possible. Most of them decided to leave Romania, after they received the documents as resettled refugees and started to apply for asylum, requesting protection to other EU countries. At the end of December 2011 they were sent back in Romania from several countries and even at the present time they had been accommodated in a centre of the Baptist Church, with the rent paid by the Jesuit Refugee Service in Romania, under the ERF national integration program.</p>
<b>c) Costs and Funding</b>	
<b>Funding</b>	The transfer to Romania and the cultural orientation sessions for Myanmar refugees selected in 2009 was implemented by RIO and the Romanian Red Cross and financed through the European Refugee Fund. <sup>20</sup>
<b>Costs</b>	n/a
<b>Comments</b>	<p><b>Motivation:</b> The Government's decision to get involved in the resettlement of refugees process was influenced by the political will of strengthening Romania's status as an important global partner by undertaking efforts and responsibilities incumbent upon the international community in the area of refugee protection. Since the resettlement of refugees plays an important role in the EU's external policies on asylum, the involvement of Romania in the resettlement programme was driven also by the desire to assume more responsibility as an EU Member State.<sup>21</sup></p> <p>Possible evolution and capacity to increase: Initially Romania had a programme of resettlement established for the duration of 3 years (2008 – 2010). Government Decision no. 1596/2008 on resettlement of refugees in Romania was drafted on the basis of public policies and resulted from the consultation of all governmental and non-governmental factors involved in the resettlement process.</p> <p>The Government decision adopted in 2012 to launch a new resettlement programme followed the organization of a Meeting in March 2012 between the ROI and all the relevant stakeholders (Minister of Labour, Minister of health, Minister of Education, Minister for Social Protection) and the other partners involved in the integration process (including UNHCR and NGOs).</p> <p>Romanian NGOs and governmental authorities are all eager to continue resettlement activities and enhance capacity for resettlement; the UNHCR Representative in Romania stated during the meeting that UNHCR is concerned about the Romanian potential for assistance and integration of</p>

<sup>19</sup> ibid.

<sup>20</sup> Report on resettlement in Romania written by the Romanian Office for Immigration based on information available until July 2011, see UNHCR Handbook on resettlement, Chapter on Romania, available online at <http://www.unhcr.org/refworld/country,,,ROM,,,10.html>

<sup>21</sup> Information provided by the Romanian Office of Immigration formal reply to the KNOW RESET questionnaire, op.cit.



	<p>the future resettled refugees taking into consideration also the impact of the economic crisis and if in the near future no progress will be in place, UNHCR is going to recommend that all the resettlement programmes to be postponed until the moment in which Romania will be enough prepared to receive this persons in urgent need of international protection.</p> <p>Opinion of the Romanian Office for Immigration on the one and only operation of resettlement by Romania: The ROI argued that this first resettlement of refugees in Romania was successful. The ROI, in collaboration with the UNHCR, have made a number of changes to the programme, which seeks to improve the experience for all parties. These are:</p> <ul style="list-style-type: none"> <li>– Establishing, for the period 2012-2013, an annual quota which is reduced in comparison with the first programme on resettlement;</li> <li>– Dispensing the criterion for selection which is based upon the potential of refugee to integrate into Romanian society;</li> <li>– The children of the refugees accepted to be resettled in Romania that have been born in the state of first asylum should be considered refugees and accepted for resettlement in Romania and transferred together with their parents;</li> <li>– The transfer of refugees accepted for resettlement in Romania is to be conducted by the ROI in partnership with an organization specialized in this field of activity.<sup>22</sup></li> </ul> <p>The NGOs that were consulted for this profile expressed no concern with regard to the situation of migrants in general including resettled refugees and asylum-seekers. NGOs all felt they did not have the capacity to take on more resettled refugees unless new capacity building with the government took place. It was felt that some concrete steps needed to be taken by the government ministry with responsibility for integration.</p> <p>The only resettlement programme carried out in Romania is considered as a successful one by all the actors involved, with the exception of the resettled refugees.</p> <p>All the actors highlighted several practical issues that need to be addressed to improve the resettlement experience for refugees and NGOs. Repeatedly, interviewees expressed hope that by establishing an annual programme these practical issues could be resolved.</p> <p><b>The view and influence of public opinion on refugee resettlement:</b>          'In April 2011, the Foundation Soros - Romania and the Romanian Association for the Promotion of Health presented the findings of a public survey, according to which 39% of the Romanians said they feel good and very good or at least neutral about aliens in Romania. So far, the media has been positive with regard to refugee issues in Romania.'<sup>23</sup></p>
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<sup>22</sup> ibid.

<sup>23</sup> Ibid.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Slovakia***

Report written by

**Veronika Misovska (EUI)**

**and reviewed by the Know Reset team**

July, 2013

## Country Profile: SLOVAKIA

Due to its geographical location Slovakia was often perceived by asylum seekers as well as the asylum authorities as a transit country rather than as a final destination. Added to this is the past experience of Slovakia as a former socialist country and it is clear that the trend is that Slovakia is more a source of emigration than a destination for immigrants. However, the situation has changed, and Slovakia has quite recently become a country of net immigration. This relatively new state of affairs accelerated after Slovakia's admission to the EU in 2004 and after joining the Schengen area in 2007.

The harmonisation of Slovak asylum legislation with Community law was a complex process starting with the adoption of the new Asylum Law 480/2002 which entered into force on 1 January 2003. This law has been further amended to comply with accession requirements as well as to facilitate the implementation of EU asylum measures into the national legal order.

While the highest number of asylum applications documented in Slovakia peaked in 2004 at 11,395, only 15 people were granted asylum. This figure decreased in 2005 to 3,549 submitted applications out of which 25 asylums were granted. Several factors contributed to this sharp decrease - the overall improvement of the situation in some regions which were the source of asylum seekers (the Balkans, Afghanistan and parts of Africa)<sup>1</sup> resulting in a general decrease in the number of asylum seekers within the whole EU; as well as stricter asylum measures due to enforcement of the Dublin Regulation and improved effectiveness of the state border protection; and also an absence of large foreigners' communities in Slovakia and a less-developed economic environment compared to more developed EU countries.<sup>2</sup> This declining trend was kept until recently when in 2011 only 491 people were seeking asylum in the territory of the Slovak Republic, which is the smallest number since 1996.<sup>3</sup> In 2010 there were 541 asylum seekers and during the year before there was 822 applications. This number has therefore decreased annually over the past few years.

The Slovak Republic joined the EU activities connected with resettlement of aliens from third countries through humanitarian transfers, based on trilateral treaties between the government, the UNHCR and IOM. In July 2009 and subsequently in December 2010 the government, UNHCR, and IOM signed agreements on the transfer of refugees in need of protection and temporarily house them in the Emergency Transit Centre (ETC) at Humenné where they are provided with accommodation, food, and medical care until they are further resettled.

The ECT<sup>4</sup> was set up in 2009 as a small-scale resettlement scheme promoted by the UNHCR office in Slovakia and specifically hoping to help a group of Palestinian refugees from Iraq. It has a capacity of 550 places on its three-building premises. It provides temporary placement for up to six months for those refugees who are in urgent need of evacuation from their country of their first asylum and whose resettlement procedure with their future new home country is still under way. After that period they are resettled to their new home country.

At the ETC, refugees can consult with social workers and the UNHCR supports the authorities with a Field Assistant. The Regional Representation for Central Europe has also produced a leaflet in several languages to inform the new arrivals about the purpose of the Centre and about practical aspects of everyday life including about the community nearby.

Slovakia also participates in another burden-sharing mechanism – the EU pilot project on the relocation refugees from Malta (EUREMA) that was launched in 2009. It should be noted that Slovakia does not clearly distinguish in its language between resettlement and relocation. It often refers to both terms by using its Slovak equivalent "*presídľovanie*" or "*presídlenie*" (both meaning resettlement) while for relocation it would be preferable to use term "*relokácia*". This confusion is confirmed once again by the Ministry of

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<sup>1</sup> According to the UNHCR's view, available only in Slovak: <http://www.unhcr-centraleurope.org/sk/novinky/2006/pocet-ziadatelov-o-azyl-od-roku-2001-poklesol-na-polovicu.html>

<sup>2</sup> 2007 EMN annual report on asylum and migration statistics in the Slovak Republic

<sup>3</sup> See Statistics of the Ministry of Interior for respective years, available at: <http://www.minv.sk/?statistiky-20>

<sup>4</sup> Based on information of the UNHCR, available at: <http://www.unhcr-centraleurope.org/en/where-we-work/operations-in-central-europe/slovakia.html>

Interior when on its website it refers to EUREMA project as to a project of internal resettlement of persons within the EU. On the contrary, in its Migration Policy with perspective until 2020<sup>5</sup> it uses the term relocation when addressing migration burden-sharing with other EU countries.

Based on its experience with migration burden-sharing during humanitarian crises in the Balkans (Bosnia-Herzegovina and Kosovo) as well as with humanitarian aid to citizens of Ukraine with Slovak origin affected by the nuclear accident at Chernobyl in the form of resettlement to Slovakia in the years 1991-1999, Slovakia also reviewed the possibility of resettlement for 2010. This intention was evident from the migration policy report<sup>6</sup> as well as from the 2008-2013 ERF multi-annual programme<sup>7</sup>. As potential partners in resettlement it considered Ukraine<sup>8</sup> or Malta. Due to its socio-economic conditions Slovakia proposed to resettle about ten people over a period of two years (2010-2011), with a focus on vulnerable groups (single women with children) from countries according to Government's decision (e.g. Ukraine, Malta or other countries).

Although resettlement action was planned under the 2010 ERF annual programme due to the involvement of the Slovak Republic in the pilot project of relocation from Malta, co-funded by the EU, it was postponed under the annual programme of 2011. Indeed the 2011 ERF annual programme actually revealed that there was no intention to resettle or relocate<sup>9</sup>. This policy decision was made on the basis that of the current situation in Slovakia.

Slovakia is of an opinion that resettlement should be voluntary-based and it should not be the only tool of responsibility and burden-sharing among respective countries. It does not resettle. This is a result of the lack of political will as well as the unfavourable social and economic situation, which does not attract refugees. The final decision to resettle is purely political. Moreover, Slovak legislation has not been fully prepared to resettlement process.

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<sup>5</sup> Migration Policy of the Slovak Republic- Perspective until the year 2020, 31 August 2011.

<sup>6</sup> Ibid.

<sup>7</sup> 2008-2013 ERF multi-annual programme, issued July 2008 (SK version only)

<sup>8</sup> Reasons: neighbouring country, strategic partner, experience with the resettlement of people from Ukraine.

<sup>9</sup> This confirms also the interview conducted with Mr. Štefan Šidó from the Ministry of Interior on 19 January 2012.

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>10</sup></p> <p>Number of asylum seekers<sup>11</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p><b>103</b> (2011)</p> <ul style="list-style-type: none"> <li>• <b>12</b> Refugee Status</li> <li>• <b>103</b> Other Protection</li> </ul> <p><b>72</b> (2010)</p> <ul style="list-style-type: none"> <li>• <b>15</b> Refugee Status</li> <li>• <b>72</b> Other Protection</li> </ul> <p><b>491</b> (2011)</p> <p><b>541</b> (2010)</p> <p>No resettlement</p> <p>/</p>
<i><b>I. Legal and Administrative Framework</b></i>	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Act of 20 June 2002 on Asylum</a></u> and Amendment of Some Acts (last amended in 2008)</p> <p>Act of 21 October 2011 on <b>Residence of Aliens</b> and Amendment and Supplementation of Certain Acts (entered into force 1.1.2012)</p>	<p>Nothing in the recent law indicates any possibility of resettlement as such. The term resettlement is used in the Asylum law in relation to displaced persons (<i>de facto</i> refugees) who have been granted temporary shelter in Slovakia under the framework of the Directive 2001/55/EC on temporary protection<sup>12</sup>.</p>
<p><b>Other basis of resettlement:</b></p>	<p>/</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>According to the new political resolution,<sup>13</sup> resettlement is foreseen in the future.</p> <p>However, the document mentions resettlement activities in general terms; specifics will be defined in the Action Plans which are being developed.</p> <p>However, Slovak legislation has not been fully prepared for resettlement, legislative amendments are necessary.<sup>14</sup></p>

<sup>10</sup> Source: Ministry of Interior..

<sup>11</sup> Source: Ministry of Interior.

<sup>12</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards of provision of temporary protection in case of massive influx of displaced persons and on measures to support burden sharing among Member States in reception of these persons and bearing consequences resulting thereof

<sup>13</sup> Migration Policy of the Slovak Republic, op.cit.

<sup>14</sup> Interview with Mr. Štefan Šidó, op.cit.

<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) On an ad hoc basis</b>	None
<b>b) On a programme basis</b>	None
<b>c) “Temporary Resettlement”:</b> <a href="#">Humanitarian Evacuation</a> <sup>15</sup>  <b>August 2009 – March 2010</b>  <b>May 2011 - January 2012</b>  <b>December 2011- June 2012</b>  <b>January 2012- June 2012</b>	<p>Slovakia offers a humanitarian transfer through its territory. It admits refugees selected for resettlement for 6 months in the ETC Humenné before they will be resettled to third countries (often the USA or Canada).</p> <p><b>98 Palestinian</b> refugees from Iraq (refugee camp Al Waleed), mainly families with children (the oldest person was 77 year old and the youngest was a baby of 4 months). After 6 months, they were resettled to the USA.</p> <p><b>46 Afghani</b> refugees from <b>Iran</b> (24 women and 22 children, the oldest woman was 55 years old and the youngest child was 7 months old). They were placed in Humenné and resettled to the USA (last family in January 2012).</p> <p><b>40 Somali</b> refugees from <b>Eritrea</b> (refugee camp Emkulu), mostly families with children (26 adults, 14 children) of whom the youngest was only one year old and the oldest refugee was 70 year old woman. Resettled to the USA.</p> <p><b>35 refugees from Egypt</b> (31 adults and 4 children from <b>Somalia, Eritrea, Ethiopia and Iraq</b>), mostly young people; oldest is 49 year-old man and the youngest was a two month old boy. Resettled to <b>Canada</b>.</p> <p>This is a continuation of the <a href="#">Agreement concluded between the Government and the UNHCR in 2010</a> according to which the number of refugees will not exceed 100 at any point.</p>
<b>d) Through other Projects</b>  Governmental Level  - <b>PHARE project:</b> Improving the administrative structure in the field of migration and asylum in the light of the Slovak Republic’s EU membership - Twinning arrangement between Slovakia and Sweden (GDISC) – completed in 2005 <sup>16</sup>  - <b>Temporary Desk on Iraq (TDI)</b> - an 18-month ERF-funded intergovernmental project (established in Brussels in March 2009)	<ul style="list-style-type: none"> <li>- aimed to improve the existing administrative structure in the field of migration and asylum,</li> <li>- involved Swedish Migration Board and the Slovak Migration Office.</li> </ul> <ul style="list-style-type: none"> <li>- to determine how asylum and immigration services can improve their practical cooperation on protection/asylum, resettlement and return with regard to the Iraqi caseload and develop generic tools and mechanisms for dealing with other caseloads</li> </ul> <p><u>Regarding resettlement:</u></p> <ul style="list-style-type: none"> <li>- Exchange of information and practice on resettlement of Iraqi refugees.</li> <li>- Coordination of submissions for resettlement, joint EU Member State missions and mixed EU selection teams.</li> </ul>

<sup>15</sup> Source: **Slovakian Migration Office.**

<sup>16</sup> The project does not appear any more in the database of GDISC (<http://www.gdisc.org/>), but it is mentioned here: <https://wcd.coe.int/ViewDoc.jsp?id=983969&Site=COE>

<p>- <b>Joint IOM, UNHCR and ICMC project:</b> Promotion of resettlement in the EU through practical cooperation by EU Member States and other stakeholders (18 months in 2010/2011)</p> <p>Non-Governmental Level</p>	<ul style="list-style-type: none"> <li>- Pilot resettlement for interested EU Member States.</li> <li>- Slovakia participated as an observer in the Dutch mission to Syria in October/November 2009.</li> <li>- intended to promote refugee resettlement in Europe by strengthening the engagement of the EU Member States</li> <li>- Slovakia was present as an observer at international conferences, represented by the Migration Office</li> </ul> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>Slovakia accepted three detainees (from Egypt, Azerbaijan, and Tunisia) held at the U.S. military prison at Guantanamo Bay, for resettlement in January 2010. They were placed in a detention facility for foreigners and asylum seekers in Medveďov, Slovakia. According to the UNHCR report they were held here in isolation under poor conditions and subsequently following their hunger strike in mid-June, they were awarded residency permits in July and placed in an integration centre in Zvolen, Slovakia. As of July 2011 two of them already left Slovakia for their countries of origin, Egypt and Tunisia. The detainee from Azerbaijan has remained on Slovakian territory.</p> <p>As part of migration burden- sharing with other EU Member States, the Slovak Republic implements aid programs aimed at the relocation of aliens with international protection from the most burdened countries. It is involved in the EU relocation project from Malta (EUREMA) under which it promised to relocate 10 refugees from African countries. The project is financed by the ERF.</p>
<p><b>III. Resettlement Implementation</b></p>	
<p><b>Refugees resettled</b></p>	<p>None</p>
<p><b>Comments</b></p>	<p>There is no real intention to resettle at the moment.</p> <p>Nevertheless, there are hopes based on the political resolution<sup>17</sup> that, after the creation of required legislation and resettlement integration mechanisms, Slovakia would be able to resettle on an <i>ad-hoc</i> basis and even on basis of quota in the future. However, the creation of a resettlement mechanism is rather complex and requires some reforms in law and policies as well as sufficient funding<sup>18</sup>.</p> <p>Based on a proposal of the UNHCR Regional Representative Office in Budapest, new discussions on continuing the ETC in Humenné have begun (new trilateral agreement needed). This has been under examination and debate at national level but no official details are currently available.<sup>19</sup></p>

<sup>17</sup> Migration Policy of the Slovak Republic, op.cit.

<sup>18</sup> Interview with Mr Štefan Šidó, op.cit.

<sup>19</sup> Ibid (follow-up received on 2 February 2012)



## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Slovenia***

Report written by  
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and reviewed by the Know Reset team

July, 2013

### Country Profile: SLOVENIA

Slovenia was one of the six constituent republics of the formal Socialist Federal Republic of Yugoslavia (SFRY) until 1991 when it declared independence. That declaration was followed by a short armed conflict with the Yugoslav federal armed forces. In 2004, Slovenia became a member of the European Union. Slovenia became part of the Schengen area on 21 December 2007.<sup>1</sup>

According to the 2002 census, when the total population of Slovenia was 1,964,036, approximately 83% of the population declared themselves to be ethnic Slovenians. The three largest minority ethnic groups are Bosniaks (21,542), Serbs (38,964), Croats (35,642). A tiny proportion of the population declared themselves to be non-Europeans (in an ethnic sense). That number was in fact too small to be statistically processed in 2002.<sup>2</sup> There are several thousands Hungarian and Italian people whom enjoy strong political, cultural and linguistic rights in the territories, and Roma enjoy special rights pursuant to the Constitution. No other ethnic groups have been officially recognized or given any collective rights.

In the beginning of 2010, 12.4% of Slovenia's population<sup>3</sup> and 15.1% of the active population (population in employment) was born abroad.<sup>4</sup> According to the Ministry of Interior, there were 100,910 foreigners in possession of a valid residence permit in the Republic of Slovenia on 31 December 2011.<sup>5</sup>

Since the start of the economic crisis, migrants have been more vulnerable than the local population for several reasons (27.8% of the migrant workers were employed in the construction sector which was particularly affected by the crisis). In 2010, 25% of foreign born persons aged 25-54 lived below the poverty line or were socially excluded, compared to 14% of the same population that was born in Slovenia.<sup>6</sup>

Slovenia's legislation on international protection has been evolving steadily since the country has achieved independence and written a Constitution which lays emphasis on the respect for human rights. The legislation currently in force provides a legal basis for both resettlement from third countries as well as intra-EU relocation. However, only a pilot project of refugee relocation has so far been implemented.

The past 20 years – the first two decades of Slovenia's independence – have been characterized by several key moments for migration in which legislation has been enacted or migration policy has changed significantly.

Migration to Slovenia in the 1990s was to a large extent a consequence of the wars in the territory of former Socialist Federative Republic of Yugoslavia. Persons coming to Slovenia were mostly in need of protection from armed conflicts in Croatia, Bosnia and Herzegovina and Kosovo. The end of large scale hostilities in the region coincides with the adoption of a new system of international protection. The period of 2000-2001 saw what was referred to as 'illegal immigration crisis.' Large numbers of migrants (mostly from Iran, Iraq, Syria, China, Bangladesh, Pakistan and Sierra Leone) entered Slovenia. This was met with a negative response in the public debate and led to several changes in Slovenia's migration laws.<sup>7</sup>

The preparation for entry to the EU and the entry itself in 2004 brought several amendments to the Asylum Act in order to transpose the EU asylum *acquis*. On that basis, the 2007 International Protection Act

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<sup>1</sup> <http://praga.veleposlanistvo.si/index.php?L=1&id=1737>

<sup>2</sup> Statistical Office of the Republic of Slovenia, [http://www.stat.si/popis2002/si/rezultati/rezultati\\_red.asp?ter=SLO&st=15](http://www.stat.si/popis2002/si/rezultati/rezultati_red.asp?ter=SLO&st=15)

<sup>3</sup> Source: Statistical Office of the Republic of Slovenia, [http://www.stat.si/eng/novica\\_prikazi.aspx?id=3632](http://www.stat.si/eng/novica_prikazi.aspx?id=3632)

<sup>4</sup> Source: Statistical Office of the Republic of Slovenia, [http://www.stat.si/novica\\_prikazi.aspx?id=4415](http://www.stat.si/novica_prikazi.aspx?id=4415)

<sup>5</sup> Source: Ministry of Interior, Directorate of Migration and Integration, 2011 Statistical Report, p. 12-13, [http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticko\\_porocilo\\_-\\_SLO\\_zadnja\\_verzija\\_-\\_popravljen.pdf](http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticko_porocilo_-_SLO_zadnja_verzija_-_popravljen.pdf)

<sup>6</sup> Source: Statistical Office of the Republic of Slovenia, [http://www.stat.si/novica\\_prikazi.aspx?id=4415](http://www.stat.si/novica_prikazi.aspx?id=4415)

<sup>7</sup> Zavratnik, Simona: Contemporary Immigration and Asylum Policies in Slovenia: Rethinking Questions of Entrance and Integration, *Annales* 16 (2006) 2, p. 348.

was adopted. Migration to Slovenia from other EU member states has remained at a low level (more than 90% of foreigners residing in Slovenia come from outside the EU).<sup>8</sup>

The 1991 Aliens Act,<sup>9</sup> adopted on the same day as the declaration of independence, included basic provisions on the status and rights of refugees. The first Asylum Act established a much more complex system in 1999.<sup>10</sup> It was amended several times and finally replaced by the International Protection Act<sup>11</sup> (hereinafter: ZMZ). The new act reflects the changes brought about by the accession to the European Union and responds to the need to bring the Slovenian system in line with the asylum *acquis*. In addition, it also introduced the legal basis for resettlement.

The number of applications for international protection peaked in 2000 and was disproportionately high in the period of 2000-2005. Between 1995 and end of 2011, 233 persons were granted a form of international protection in Slovenia. Many of them came from the ex republics of SFRY. Other important countries of origin were Kazakhstan, Russia, Somalia and Iran.<sup>12</sup>

Slovenia's approach to resettlement can be described as one of principal commitment that has so far lacked practical implementation. The 2007 reform of law of international protection saw the establishment of a clear (statutory) legal basis for resettlement as well as relocation and even led to the adoption of an executive regulation which regulated the matter in more detail. However, so far, only a small scale pilot project of intra EU relocation has been implemented and there has been no resettlement at all.

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<sup>8</sup> Source: Ministry of Interior, Directorate of Migration and Integration, 2011 Statistical Report, p. 13, [http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticko\\_porocilo\\_-\\_SLO\\_zadnja\\_verzija\\_-\\_popravljena.pdf](http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticko_porocilo_-_SLO_zadnja_verzija_-_popravljena.pdf)

<sup>9</sup> Zakon o tujcih, Official Gazette 1/1991.

<sup>10</sup> Zakon o azilu, Official Gazette 61/1999.

<sup>11</sup> Zakon o mednarodni zaščiti, Official Gazette [111/2007](#).

<sup>12</sup> Source: Ministry of Interior, Directorate of Migration and Integration, 2011 Statistical Report, p. 41-42, [http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticko\\_porocilo\\_-\\_SLO\\_zadnja\\_verzija\\_-\\_popravljena.pdf](http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticko_porocilo_-_SLO_zadnja_verzija_-_popravljena.pdf)

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>13</sup></p> <p>Number of asylum seekers<sup>14</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p>24 (2011)</p> <p>23 (2010)</p> <p>307 (2011)</p> <p>211 (2010)</p> <p>No resettlement</p> <p>/</p>
<i>I. Legal and Administrative Framework</i>	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">International Protection Act</a></u> (Zakon o mednarodni zaščiti)</p> <p>Adopted in the original text on the 21<sup>st</sup> November 2007</p> <p>Published in the Official Gazzette (Uradni list) no. 11/2011 (official consolidated text).</p>	<p>Specific provision on Resettlement</p> <p>Chapter VIII</p> <p>'Third Country Citizens and Stateless Persons that Fulfil the Requirements for the Recognition of Refugee Status and are Accepted to the Republic of Slovenia on the Basis of Yearly Quota'</p>
<p><b>Other basis of resettlement:</b></p> <p>(Government) <u><a href="#">Decree on the manner of implementation of resettlement of persons</a></u> admitted to Republic of Slovenia based on a yearly quota (Uredba o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi letne kvote)</p> <p>Adopted by the Government of the Republic of Slovenia on the 20<sup>th</sup> July 2011.</p>	<p>Regulates the manner in which the resettlement of persons that have been admitted to the Republic of Slovenia on the basis of Chapter VIII of the International Protection Act (Official Gazzette of the Republic of Slovenia, no. 11/11, hereinafter: the Act), will be implemented.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>At the moment, projects and/or reforms are not foreseen. The reason for this is the economic situation of the country (high public spending and consequentially, debt, and low economic growth and employment). As a result of this, the country is unlikely to spend money on any new programmes; in addition, there is low demand in the labour market, which reflects negatively on attitudes toward immigration.</p>

<sup>13</sup> Source: Annual Report of the Ministry (see link above, footnote 12).

<sup>14</sup> Ibid, p. 32

<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) On an ad hoc basis</b>	None
<b>b) On a programme basis</b>	None
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	n/a
<b>d) Through other Projects</b>  Governmental Level   Non-Governmental Level	 Slovenia participated as an observer in a trans-national project funded under the Community Actions Strand of the ERF, Transnational Resettlement UK and Ireland (TRUKI), conducted jointly by the UK and Ireland, with Belgium and Bulgaria also observing. <sup>15</sup>  n/a
<b>e) “Resettlement-like” experience</b>  From Guantanamo  Intra-EU “Relocation”	 n/a  In its 2011 Work Programme, <sup>16</sup> the Slovenian Ministry of Interior reports that end of November 2010, 8 persons to whom international protection has been granted were accepted to the Republic of Slovenia. This was within the framework of the pilot project involving the relocation of persons from Malta (“EUREMA”).  According to the Ministry representative, the quota was originally set at 10 persons. This number was determined taking into account the financial assistance obtained from the EU, as the pilot project was wholly financed by the European Commission. What also played a role in determining the number was the support in integration that the relocated persons would require.  The relocated refugees were accommodated in the Maribor integration centre. The Ministry reports that immediately after arrival all of the necessary documentation for the integration of these persons into the systems of health insurance, social care and employment, was provided. The abovementioned persons participated in an orientation programme (210 hours) and basic Slovenian language course (90 hours).
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b>	None
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b>  <ul style="list-style-type: none"><li>• UNHCR Criteria</li></ul>	 No resettlement has taken place in Slovenia.  The formal requirements to be accepted for resettlement are laid down in Article 71 ZMZ: a person has to fulfil the requirements for refugee status pursuant to this Act and be located in a country where they are safe from persecution and the living conditions are not appropriate for refugee integration.

<sup>15</sup> International Catholic Migration Commission, Welcome to Europe! ‘A Comparative Review of Resettlement in Europe’, [http://www.icmc.net/system/files/publication/welcome\\_to\\_europe\\_a\\_guide\\_to\\_resettlement\\_a\\_comp\\_64641.pdf](http://www.icmc.net/system/files/publication/welcome_to_europe_a_guide_to_resettlement_a_comp_64641.pdf), p. 37,

<sup>16</sup> [http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/KM/Programdela2011\\_02.doc](http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/KM/Programdela2011_02.doc)

<ul style="list-style-type: none"> <li>Additional National Criteria</li> </ul>	<p>The details of the yearly quota, including the country from which the refugees would be resettled, etc., would be laid down by the Government (acting upon a proposal of the Ministry of interior), as foreseen by Article 70 ZMZ and Article 2/III Decree on the manner of implementation of resettlement of persons admitted to Republic of Slovenia based on a yearly quota. This has not yet happened.</p>
<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>Deploying Staff</li> <li>Actors involved in refugee status determination</li> <li>Dossiers</li> <li>Missions</li> </ul>	<p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>Cultural orientation (CO)</li> <li>Assistance with travel documents</li> <li>Medical screening</li> </ul>	<p>The <a href="#">Decree</a> foresees the following pre-departure activities:</p> <ul style="list-style-type: none"> <li>Informative lecture - general information on the Republic of Slovenia, cultural characteristics and habits, information on the prohibition of polygamy and gender equality, rights and obligations of persons enjoying international protection in the Republic of Slovenia (see Article 7)</li> <li>Issuing of a travel document (see Article 9)</li> <li>Medical examination (see Article 6)</li> </ul>
<p><b>Procedure Timing</b></p>	<p>n/a</p>
<p><b>Comments</b></p>	<p>The minor role played by certain stakeholders in the relocation project was perceived as problematic<sup>17</sup>. Also, scepticism was expressed with regard to the support for refugees in general in the general public. This perhaps calls for a wider strategic approach of interaction with the general public regarding refugees that would among other things, i.e. influencing the perception of refugees in Slovenia, also result in identifying interested stakeholders in the civil societies that might take part in resettlement/relocation activities in the future, but also local communities appropriate and willing to accept resettled refugees.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p>Article 71 <a href="#">International Protection Act</a></p>	<p>A person can only be accepted to the Republic of Slovenia on the basis of a yearly quota (resettled), if s/he fulfills the requirements for the recognition of refugee status (not subsidiary protection) as laid down by the International Protection Act. This means that the question as to whether the person fulfils the Convention requirements will be assessed before the person is even allowed to enter the territory of Slovenia. Pursuant to Article 2 of the Decree mentioned above, the decision granting international protection shall also be served to the person prior to arrival. Pursuant to Article 89 in conjunction with Article 91 of the abovementioned Act, refugee status entitles the refugee to permanent residence (<i>stalno prebivanje</i>) in the Republic of Slovenia).</p>

<sup>17</sup> Email Interview with the Director of the NGO Pravno-informacijski center nevladnih organizacij – PIC, 30 March 2012.

<p><b>Rights granted</b></p> <p>Article 89 <a href="#">ZMZ</a></p>	<p>A refugee is entitled to:</p> <ul style="list-style-type: none"> <li>• information with regard to his/her status, rights and obligations as a beneficiary of international obligation;</li> <li>• residence in the Republic of Slovenia;</li> <li>• accomodation in the facilities of the Ministry of the Interior;</li> <li>• accomodation subsidy;</li> <li>• health care;</li> <li>• social care;</li> <li>• education;</li> <li>• employment and work;</li> <li>• integration assistance.</li> </ul> <p>International protection beneficiaries are entitled to live in the Ministry's facilities for one year from the granting of protection and are entitled to receive an accomodation subsidy for three years from the granting of the status. For a single person, the monthly accomodation subsidy equals a minimum monthly income, which is currently 230,61 EUR. The sum of the subsidy is increased with every family member.<sup>18</sup></p> <p>Legally, refugees have the right to free access to the labour market as do EEA citizens.<sup>19</sup> The refugees' family members need a work permit as do subsidiary protection beneficiaries. Both can apply for a personal work permit (<i>osebno delovno dovoljenje</i>), which does not require a preexisting agreement with the employer.</p> <p>Beneficiaries of international protection enjoy status equal to citizens of Slovenia regarding all levels of education, also cost of the procedure to recognise a foreign diploma shall be borne by the Ministry of Interior.</p> <p>Pursuant to the Decree on conditions for ensuring the rights of persons with international protection (Article 14), the personal integration plan takes into account the needs, knowledge, capabilities, potentials and skills of the international protection beneficiary and can be, in cooperation with the beneficiary, changed or complemented. It includes various activities regarding education, employment, accomodation, arranging documents and participation in Slovenian language classes as well as classes on Slovenian history, culture and constitutional settlement. The decree provides a legal basis for cooperation of NGOs and/or representatives of local communities.</p>
<p><b>Comments</b></p>	<p>In 2010, the UNHCR - Regional Representation for Central Europe conducted a participatory assessment study which covered Slovenia and was presented in a 2011 report entitled "Being a refugee: How refugees and asylum-seekers experience life in Central Europe" to evaluate the living conditions and integration of the beneficiaries of international protection.<sup>20</sup> Several integration challenges were mentioned in the report.</p> <p>Firstly, social or non-profit housing is not available to refugees and others with international protection in Slovenia.<sup>21</sup></p> <p>Refugees who cannot find work are excluded from receiving unemployment benefits in Slovenia as they have not had jobs before. Others complained they did not have enough information on how to find</p>

<sup>18</sup> Articles 9 – 11 Decree on conditions for ensuring the rights of persons with international protection (Uredba o načinih in pogojih za zagotavljanje pravic osebam z mednarodno zaščito, Official Gazzette no. 55/2011).  
Minimum income data available from the Ministry of Labour, Family and Social Affairs:  
[http://www.mddsz.gov.si/si/delovna\\_podrocja/sociala/denarna\\_socialna\\_pomoc/](http://www.mddsz.gov.si/si/delovna_podrocja/sociala/denarna_socialna_pomoc/)

<sup>19</sup> Zakon o zaposlovanju in delu tujcev, Official Gazzette no. 26/2011 (ZZDT-1).

<sup>20</sup> UN High Commissioner for Refugees, *Being a refugee: How refugees and asylum-seekers experience life in Central Europe*, 3 January 2012, available at: <http://www.unhcr.org/refworld/docid/4f02fa252.html> [accessed 7 April 2012], p. 62.

<sup>21</sup> Ibid, p.63.



	<p>work. Despite having the right to work, many of the refugees in Slovenia who took part in this study were not confident of their prospects in finding stable employment.<sup>22</sup></p> <p>A majority of the refugees who answered to the study reported they had individual integration plans.<sup>23</sup> The vast majority of respondents praised the living conditions and the fact that they were able to preserve and practice their own culture, traditions and religion in this European country. On the other hand, some asylum seekers have reported frequent permit checks by the police which made them feel unwelcome.<sup>24</sup></p> <p>With regard to refugee protection, the following was recommended by the High Commissioner:</p> <ul style="list-style-type: none"> <li>• The current integration plan for individual beneficiaries of international protection should be evaluated and revised to better accommodate the needs of refugees.</li> <li>• All relevant stakeholders should support and promote self-reliance and self-employment initiatives.</li> <li>• Beneficiaries of international protection should have access to social housing.</li> <li>• Elderly refugees, particularly those who are not able to earn a living, need to benefit from a support mechanism.</li> <li>• Instead of reimbursing the cost for health insurance to refugees, it should be paid directly and automatically by the Ministry of Interior. This would ensure patients with no money can still access health insurance.<sup>25</sup></li> </ul> <p>The problems of integration of refugees in Slovenia are not issues of inadequate normative coverage. Statutory provisions confer unto the refugee, rights that are equal to those of a citizen of Slovenia. What is more problematic is the issue of material equality. Factual circumstances prevent the refugees from making use of the rights and benefits provided by the legal instruments. The issue mentioned by the UNHCR regarding unemployment benefits is a good example of how formal equality of refugees and citizens can be inadequate in terms of refugees' welfare and integration.</p> <p>Employment and integration counsellors should take a person's specific situation more into account when providing information and advice and looking for creative ways to provide the refugees with an opportunity to enter the job market. The demand for flexible approaches to integration counselling and some thinking outside the box calls for analysis of possible role of NGOs and local communities in the process, as well as perhaps input by foreign NGOs with more experience in the field.</p>
<b>c) Costs and Funding</b>	
<b>Funding</b>	/
<b>Costs</b>	/

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid. p. 64.

<sup>25</sup> Being a refugee, p. 67.

<p><b>Comments</b></p>	<p>The overall impression is that it is unlikely that the country will resettle in the future despite establishing a clear legal basis for it. This is mainly for economic reasons. If Slovenia was to resettle in the future, this would only be possible by obtaining funds from the European Refugee Fund<sup>26</sup>. This corresponds to the assertion that Slovenia does not resettle, to a large extent, due to its attempts to reduce public spending.</p> <p>However, it is doubtful that even if (hypothetically) all costs of a possible resettlement were borne by outside actors (ERF), Slovenia would start resettling. Asylum recognition rates so far (since the establishment of a modern asylum system after independence and democratization) have not been high, which can be probably linked back to political wariness with regard to migration and its possible consequences.</p> <p>In choosing between intra-EU relocation and third country resettlement, Slovenia is likely to bend towards the former. As solidarity has been exposed as the motivation for accepting refugees from countries of first asylum by the Ministry, it is a valid assumption that Slovenia will prefer to display solidarity with countries with which it shares common interest in the economic and political union. Slovenia can also expect more recognition in exchange for participation in intra-EU burden sharing. We can assume that this is not a negligible factor given that high level political decision is required to set the resettlement processes in motion. On the other hand, it is noteworthy that the authorities emphasize how both of Slovenia's experiences with resettlement/relocation were opportunities to build the knowledge base which can come in useful once the circumstances permit more relocation or resettlement. This attitude is promising. Slovenia's public service is small and further relocation - but even more so resettlement - will represent a demanding project for the responsible authorities. Such a project would need other Member States' know-how and previous experience to be implemented.</p>
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<sup>26</sup> Interview with the Director General of the Directorate of Migration and Integration at the Ministry of Interior of the Republic of Slovenia, 14 March 2012.

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Spain***

Report written by

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**Reyes Castillo (ECRE)**

**and reviewed by the Know Reset team**

May, 2013

## Country Profile: Spain

Immigration became part of the Spanish government's agenda in 1985. With Spain's admission to the European Community in 1986, the country had to conform to EC legislation. In 1985, Spain's first piece of immigration legislation, the *Ley de Extranjería*, or the Law on the Rights and Freedoms of Foreigners in Spain, considered immigration as a temporary phenomenon and focused primarily on control over migrants already in the country. That 1985 legislation was more restrictive towards immigration and did not award any considerable rights to immigrants. A 1996 regulatory development (reglamento) to the 1985 law awarded migrants a set of subjective rights (access to education, equality, legal counsel, and an interpreter when dealing with authorities). That law strengthened the power of the regional governments to protect the rights of immigrant minors and formally established a quota system for temporary workers. Finally, the amendment established a permanent resident category and formally included family reunification within its framework. A special regularisation procedure on grounds of family reunification took place in 1994.<sup>1</sup>

The Law 8/2000 was the starting point for the emergence of the Global Programme to Regulate and Coordinate Foreign Residents' Affairs and Immigration in Spain. In addition to regularisation programmes, the country has experimented with a labour quota system to respond to short and long-term shortages in the labour market. Since 2002 the government is required to establish annual quotas for foreign workers. Between 2000 and 2010 the population of foreign nationals living in Spain increased significantly.

In general, over the previous decade or so, the Spanish Government has recorded a decrease in the number of persons arriving in Spain by boat having departed from different points along the North African coast. The number of arrivals through other frontiers (i.e. airport and land borders) continues to be higher than arrivals by sea. Increased efforts have been made to monitor and control Spain's sea borders with African States in order to prevent boats of migrants from North and Sub-Saharan Africa gaining access to Spanish territory.<sup>2</sup> This practice has been to the fore within the Spanish media, reinforcing the perception of the issue of irregular migration as being very topical in Spain.

Since 2007, the number of persons seeking asylum in Spain has dropped considerably.<sup>3</sup> In 2011, 3,422 persons sought asylum in Spain, a 20 percent increase from the previous year. However, it should be highlighted that from 2007 to 2009, there was a decrease year-on-year. This coincided with increased attention being given by the Spanish Government to the issue of border control. It is becoming increasingly difficult for persons to reach Spain's shores as a result of Government policies concerning the protection of its sea borders.<sup>4</sup> In 2011, in response to the number of Syrian refugees who began to seek asylum in Spain, the Spanish Government made changes which would prevent Syrians from landing in Barajas Airport, Madrid and seeking asylum there. Notwithstanding at least four rulings by the Andalusia High Court of Justice recognising the right of asylum-seekers to move freely throughout Spanish territory, the Ministry of the Interior continued to prevent asylum-seekers in Ceuta and Melilla from moving to the mainland.<sup>5</sup>

Spain has a long history of involvement in resettlement, with the first refugees being resettled in 1979.<sup>6</sup> Yet, it had no official resettlement programmes in place until 2012. Spain did not have any fixed resettlement quotas but it resettled on numerous occasions on an ad hoc basis when requested to do so by the UNHCR. In the 1980s, Spain participated in resettlement and humanitarian reception of persons and groups with international protection needs. The first cases of resettlement included Vietnamese and

<sup>1</sup> <http://legislationline.org/topics/subtopic/33/topic/10/country/2>

<sup>2</sup> Further information available at: [http://www.lamoncloa.gob.es/IDIOMAS/9/Gobierno/News/2012/20120202\\_Immigration2011.htm](http://www.lamoncloa.gob.es/IDIOMAS/9/Gobierno/News/2012/20120202_Immigration2011.htm) and <http://www.lamoncloa.gob.es/idiomas/9/gobierno/news/2011/19012011immigrants2010.htm>

<sup>3</sup> The following two links contain statistics on asylum in Spain from 2006 to 2010: <http://www.mir.es/publicaciones-17/extranjeria-y-asilo-967/asilo-en-cifras-968>  
<http://www.mir.es/publicaciones-17/extranjeria-y-asilo-967/memoria-de-la-oficina-de-asilo-y-refugio-970?locale=es> Further information is also available in the following link:  
[http://www.accem.es/refugiados/inmigrantes/index.php?pag=Refugio\\_2009&colleft=Col\\_Izq\\_Refugio&colright=Col\\_Der\\_Refugio\\_Es\\_pana\\_2009](http://www.accem.es/refugiados/inmigrantes/index.php?pag=Refugio_2009&colleft=Col_Izq_Refugio&colright=Col_Der_Refugio_Es_pana_2009)

<sup>4</sup> For further information please see the following CEAR report: <http://cear.es/files/pdf2011/Informe%202011%20de%20CEAR.pdf>

<sup>5</sup> Ibid.

<sup>6</sup> ACCEM Report, p.37: [http://www.accem.es/ficheros/documentos/pdf\\_publicaciones/Estudio\\_Reasentamiento.pdf](http://www.accem.es/ficheros/documentos/pdf_publicaciones/Estudio_Reasentamiento.pdf)

Laotians in 1979/80. One of the final acts of ad hoc resettlement was the operation developed in 1999 by which 31 countries took part in the “humanitarian evacuation” of Albanian-Kosovars. During this operation, Spain received more than 1000 people and families, in coordination with national NGOs.

In 2004, a platform of four NGOs, Cear, Rescate, the Spanish Red Cross and Accem, together with the UNHCR Office in Spain, wrote a common proposal (September 2004). This proposal suggested a National Resettlement Programme for Spain. These NGOs have had an active role in a variety of advocacy and lobbying activities, which have led to the setting up of the National Resettlement Programme.

More recently, in October 2009, a new asylum law came into force, which for the first time made specific reference to establishing a resettlement programme in Spain.<sup>7</sup> Although the new asylum law mentions resettlement, and in 2010 and 2011 the Spanish Council of Ministers approved the implementation of a resettlement programme,<sup>8</sup> the approval did not take place until 2012. Despite an official willingness to resettle, especially after the formal approval of the resettlement programme in the Council of Ministers, Spain has failed to carry out such resettlement. Recent financial constraints have influenced the political climate such that politicians now fear a negative backlash from the Spanish population if resettlement should proceed.

On the 17<sup>th</sup> of July 2012, Spain resettled 80 refugees following the UNHCR Global Resettlement Solidarity Initiative in 2011. That initiative called on States to pledge resettlement places for refugees stranded at the Libyan-Tunisian border, and to implement an emergency resettlement programme for them. This resettlement took place under the 2009 asylum law and according to the quota approved by the Council of Ministers in October 2011. It is understood that in the European and international context, political agreements and social contexts on the Mediterranean region led Spain to this decision.

For the media and the general public, resettlement remains relatively unknown. The public perception of refugees and asylum seekers stands out as a delicate issue. This is especially true in light of the unfavourable media coverage.

The continuing problems in the Spanish economy have led to severe cuts to social services. Unemployment remains a serious issue for the Spanish government. The refugees who have resettled in Spain as part of this new programme are likely to experience serious challenges to their integration. Nonetheless, resettlement to Spain from a camp situation as harsh and insecure as Shousha in Tunisia, is a positive step for the people concerned.<sup>9</sup>

More recently, the communication of the Council of Ministries on 28<sup>th</sup> December 2012<sup>10</sup>, provided that the Council approved the new Resettlement Programme in accordance with the Asylum Act. That programme authorizes the resettlement of up to 30 refugees per year for 2013 and 2014.

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<sup>7</sup> Spain's new asylum law, in force since October 2009, see First Additional Provision for reference to resettlement. Resettlement is also mentioned in the preamble: <http://www.boe.es/boe/dias/2009/10/31/pdfs/BOE-A-2009-17242.pdf>

<sup>8</sup> [http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/\\_2011/refc20111007.htm#Reasentamiento](http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/_2011/refc20111007.htm#Reasentamiento) and [http://www.lamoncloa.gob.es/consejodeministros/referencias/\\_2010/refc20100129.htm#Refugiados](http://www.lamoncloa.gob.es/consejodeministros/referencias/_2010/refc20100129.htm#Refugiados)

<sup>9</sup> <http://www.resettlement.eu/news/80-refugees-resettled-spain-under-new-asylum-law>

<sup>10</sup> [http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/\\_2012/refc20121228.htm#Refugiados](http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/_2012/refc20121228.htm#Refugiados)

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u></p>	<p><b>988</b> (2011)<sup>12</sup></p> <ul style="list-style-type: none"> <li>○ <b>337</b> (Refugee protection)</li> <li>○ <b>651</b> (Other protection)</li> </ul> <p><b>610</b> (2010)<sup>13</sup></p> <ul style="list-style-type: none"> <li>○ <b>245</b> (Refugee protection)</li> <li>○ <b>365</b> (Other protection)</li> </ul>
<p><b>Number of asylum seekers</b><sup>11</sup></p>	<p><b>3,422</b> (2011)</p> <p><b>2,744</b> (2010)</p>
<p><b>Resettlement Scheme</b></p>	<p>Programme to start in 2013</p>
<p><b>Resettlement Quota</b></p>	<p>30/year</p>
<i><b>I. Legal and Administrative Framework</b></i>	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Law 12/2009</a></u>, of 30 October, regulating the right to asylum and subsidiary protection</p> <p>Law 4/2000, of 11 January, regarding the rights and freedoms of foreign nationals in Spain and their social integration.</p>	<p>The new asylum law regulates the right to asylum and subsidiary protection as well as making a specific reference to the possibility of establishing a resettlement programme. This law replaced the previous asylum law, which had been in place since 1984 and did not make any reference to resettlement.<sup>14</sup></p> <p>The preamble of Law 12/2009 makes reference to the European framework governing refugee and asylum issues. The preamble of this law refers to the introduction of a legal framework for the adoption of resettlement programmes in solidarity with the international community and in search for durable solutions for refugees. The first additional disposition makes specific reference to establishing resettlement programmes in conjunction with the UNHCR and other relevant bodies.</p> <p>Law 4/2000 regulates the rights of foreign nationals in Spain. Article 36 of Law 12/2009 makes reference to Law 4/2000.<sup>15</sup></p>
<p><b>Other basis of resettlement:</b></p> <p><u><a href="#">Agreement between the Kingdom of Spain and the UNHCR</a></u>, 9 December 2002</p>	<p>The Spanish Government shows its support for UNHCR programmes and activities. No specific reference was made to UNHCR's resettlement programmes.</p>

<sup>11</sup> Ibid, and most recent Government report on asylum dated 2010: <http://www.interior.gob.es/file/52/52992/52992.pdf>

<sup>12</sup> Available at: <http://www.interior.gob.es/file/58/58075/58075.pdf>

<sup>13</sup> Available at: <http://www.interior.gob.es/file/55/55779/55779.pdf>

<sup>14</sup> Ley 5/1984, de 26 de marzo, regulador del derecho del asilo y de la condición de refugiado: [http://www.boe.es/aeboe/consultas/bases\\_datos/doc.php?id=BOE-A-1984-7250](http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-1984-7250) This law is no longer in force

<sup>15</sup> [http://www.boe.es/aeboe/consultas/bases\\_datos/doc.php?id=BOE-A-2000-544](http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2000-544)

<p><a href="#">Royal Decree 203/1995</a>, of 10 of February 1995</p> <p>Plurianual Plan 2008-2013</p> <p><a href="#">Decisions by Council of Ministers</a> approving the resettlement programmes 2010 and 2011</p> <p>Communication of the Council of Ministers, 28 July 2012<sup>16</sup></p>	<p>Article 4.2 makes specific reference to requests received from the UNHCR representative in Spain to the Spanish Government to urgently admit refugees recognised under its mandate, who are in a situation of high risk in a third country.</p> <p>Mentions the possibility of resettling a total of 350 people between 2010 and 2013. The plan states that 50 people would be resettled in 2010, 75 in 2011, 100 in 2012, and 125 in 2013.</p> <p>In 2010 and 2011 the Council of Ministers approved the establishment of resettlement programmes. The announcement by the Council of Ministers in 2010 made reference to the possibility of resettling 75 people, while a similar announcement in 2011 mentioned resettling 100 people.</p> <p>Approval of a new Resettlement Programme to resettle up to 30 refugees during 2013 and 2014.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>On 17 July 2012, the country responded to a UNHCR resettlement request to pledge resettlement places for refugees stranded at the Libyan-Tunisian border. The resettlement of 80 refugees was made under the new Spanish asylum law and the quota approved by the Council of Ministers in October 2011.</p> <p>28 July 2012 marked another commitment by Spanish Government to resettle around 30 refugees/year for the coming years: 2013-2014. The programme will pay special attention to refugees with particular vulnerable profiles such as families, women and minors.</p>
<p><b>II. Resettlement Policy and Related Involvements</b></p>	
<p>a) <a href="#">On an ad hoc basis</a></p> <p>1979-1980</p> <p>1980</p> <p>1987 -1995</p> <p>1987</p> <p>1990</p> <p>Early 1990s</p> <p>1992</p>	<p>Spain has been involved in resettling on an ad hoc basis since 1978.<sup>17</sup> As such, resettlements were not conducted as part of resettlement programmes and no strict, well-defined selection criteria existed. The Government responded to requests from the UNHCR and resettled people from a myriad of nationalities.</p> <p><b>1,000</b> refugees from Vietnam and Laos.</p> <p><b>500</b> Cuban refugees were resettled in Spain following the processing of applications, which were presented at the Spanish embassy in Peru.</p> <p>Spain responded positively to requests made by UNHCR to resettle people from a number of different countries including:</p> <ul style="list-style-type: none"> <li>– Kurds from the Iraqi camps. Kurdish -Iranians, Iraqis who were victims of the Gulf War and their resettlements were arranged mostly from Jordan, Saudi Arabia and Kuwait.</li> <li>– <b>50</b> Vietnamese refugees were resettled in Spain</li> </ul> <p>Refugees from the former Yugoslavia were resettled in Spain:</p> <ul style="list-style-type: none"> <li>– <b>154</b> Bosnian refugees of Sefardi origin</li> </ul>

<sup>16</sup> [http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/\\_2012/refc20121228.htm#Refugiados](http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/_2012/refc20121228.htm#Refugiados)

<sup>17</sup> ACCEM report which shows the resettlements, which have taken place in Spain since 1979. (page 37): [http://www.accem.es/ficheros/documentos/pdf\\_publicaciones/Estudio\\_Reasentamiento.pdf](http://www.accem.es/ficheros/documentos/pdf_publicaciones/Estudio_Reasentamiento.pdf)  
See also the following link which details the resettlement of Cubans who had fled Cuba and were held in Guantanamo Bay [http://www.lamoncloa.gob.es/consejodeministros/referencias/\\_1998/c1303980.htm](http://www.lamoncloa.gob.es/consejodeministros/referencias/_1998/c1303980.htm)



1992-1994	Governmental approval of <b>1,000</b> ex convicted persons from Bosnia, as well as 700 ex-detainees from Bosnia Herzegovina.
1993	Resettlement: Medical Evacuation. Ex Yugoslavs. 16 cases. Spanish Red Cross
1994	<b>20</b> Vietnamese refugees
1994-1995	<b>135</b> “Balseros Cubans”, without UNHCR: <ul style="list-style-type: none"> <li>– <b>110</b> Cubans resettled in Spain from Guantanamo</li> <li>– <b>20</b> Cubans resettled from Guantanamo<sup>18</sup></li> </ul>
1999	<b>17</b> Afghan refugees from Uzbekistan Spain received roughly <b>50</b> families from Georgia, in which one family member was Spanish. <sup>19</sup>
2003-2008	Spain resettled <b>23</b> persons from various countries including Colombia and Palestine. <sup>20</sup>
<b>b) On a programme basis</b> <a href="#">2012</a>	<b>80</b> refugees, stranded in the Shousha camp in Tunisia for almost a year, in response to UNHCR’s request.
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b> 1999	In response to a request from UNHCR, Spain took part in a UNHCR humanitarian evacuation programme by resettling <b>1,426</b> Kosovar-Albanians <sup>21</sup> .  These resettlements were due to be temporary in nature. The first of those to arrive landed at Torrejón de Ardoz base, Madrid. From there they were taken to a reception centre (Centro de Acogida y Derivación) in Sigüenza, Guadalajara. They were then placed in various provinces throughout Spain.
<b>d) Through other Projects</b> <i>Governmental and Non-Governmental Level</i>	At the national level different initiatives developed in 2007 and 2008 in the form of two reports. One done by CEAR under the title of “Estudio prospectivo para la búsqueda de alternativas al reasentamiento en España”, and other by Accem “Informe Prospectivo para el Desarrollo de un Programa Español de Reasentamiento Accem 2009” with the objective of studying alternative solutions for the implementation of a Spanish Resettlement programme and the creation and development of a national network interested in promoting a resettlement programme where apart from the traditionally mentioned NGOs, there was representation from IOM, the Ministries of Employment and Interior, the local councils and other NGOs such as Save the Children, and Amnesty International among others.

<sup>18</sup> [http://www.lamoncloa.gob.es/consejodeministros/referencias/\\_1998/c1303980.htm](http://www.lamoncloa.gob.es/consejodeministros/referencias/_1998/c1303980.htm)

<sup>19</sup> Interview with the advisor of the Ministry for Employment and Social Security

<sup>20</sup> See report for figures, p.12. Nationality was verified through correspondence with a member of staff of the Ministry of Employment and Social Security.  
<http://www.unrefugees.org/atf/cf/%7BD2F991C5-A4FB-4767-921F-A9452B12D742%7D/2008StatisticalReport.pdf>

<sup>21</sup> The following are a number of links to Government decisions and press releases regarding the resettlement of Kosovar Albanians in Spain under the aforementioned humanitarian evacuation programme.  
This link makes reference to Spain helping to set up camps in Albania to welcome and care for Kosovar Albanians who may eventually be transferred to Spanish civil organisations:  
[http://www.lamoncloa.gob.es/consejodeministros/referencias/\\_1999/c1712990.htm](http://www.lamoncloa.gob.es/consejodeministros/referencias/_1999/c1712990.htm)  
This link is to a Government press release which makes reference to the funding which was to be allocated for the relocation of Kosovar-Albanians to Spain, among other aspects of the relocation:  
[http://www.lamoncloa.gob.es/consejodeministros/ruedas/\\_1999/r2805990.htm](http://www.lamoncloa.gob.es/consejodeministros/ruedas/_1999/r2805990.htm)  
Agreement to resettle, temporarily, Kosovar-Albanians in Spain:  
[http://www.lamoncloa.gob.es/consejodeministros/referencias/\\_1999/c2805990.htm](http://www.lamoncloa.gob.es/consejodeministros/referencias/_1999/c2805990.htm)  
[http://www.lamoncloa.gob.es/consejodeministros/referencias/\\_1999/c2304990.htm](http://www.lamoncloa.gob.es/consejodeministros/referencias/_1999/c2304990.htm)

	<p>As a result of the collaboration with other European NGOs in the field, the Spanish NGO Accem took part in different European projects<sup>22</sup> of the ERF (European Refugee Fund). All these projects were aiming at enhancing knowledge and political will in EU member states to engage in resettlement. One of these projects was the <a href="#">MOST</a> (Modelling of Orientation, Services and Training related to the Resettlement and Reception of Refugees) project funded by ERF.</p>
<p><b>e) “Resettlement-like” experience</b></p> <p><i>From Guantanamo</i></p> <p><i>The Cuban case</i></p> <p><i>Intra-EU “Relocation”</i></p>	<p>In 2010, Spain received three ex-prisoners who had been detained in Guantanamo on suspicion of being terrorists. Those resettled were of Palestinian, Yemeni, and Afghan origin and were settled in February, May, and July 2009, respectively.<sup>23</sup></p> <p>As a last example of a political measure that could be and has been named by certain stakeholders as resettlement, it is worth mentioning the case of the Cuban nationals that under the framework of the agreements between the Spanish Government, the Catholic Church in Cuba and the Cuban government signed in July 2010, where it was decided to give protection and reception in Spain to a group of dissidents released from prison, with and their families to Spain<sup>24</sup>.</p> <p>Accem, together with other two NGOs – Spanish Red Cross and CEAR– were called to assume and organize jointly and in a coordinated way with the Ministry of Foreign affairs and the previous Ministry of Labour and Immigration – MTIN (current Ministry of Employment and Social Affairs - MEYSS) an intervention plan that would include the reception and integration of these families in the Spanish Society.</p> <p>April 2011 a second group of the released prison dissidents to Spain. In total, Spain has received 770 relatives of Cuban political prisoners following a petition from the Catholic Church in Cuba.<sup>25</sup></p> <p>In December 2011 a selection mission composed by representative members of the General Directorate of Interior Policy and the General Directorate of Integration of the Immigrants from the previous Ministry of Labour and Immigration (current Ministry of Employment and Social Affairs) travelled to Malta. On that occasion it was decided that there would be no relocation. The government representatives in charge stated that the potential beneficiaries were not willing to travel to Spain as they were waiting for the opportunity to relocate to another State.</p>
<b>Comments</b>	<p>Under the previous Government, the Council of Ministers approved the establishment of two resettlement programmes. No one was actually resettled under these programmes. The Government did not issue any formal position about its failure to carry out resettlements under law 12/2009. While on the one hand it seemed that Spain was anxious to be seen to participate in EU and UN initiatives with regard to refugee issues, it appears that Spain also feared a negative response from the Spanish public.<sup>26</sup></p>

<sup>22</sup> [http://www.ecre.org/files/CCME\\_project\\_description.pdf](http://www.ecre.org/files/CCME_project_description.pdf)  
<http://www.mostproject.fi/english/>  
“CCME Resettlement – broadening the basis in Europe”  
ICMC. “European Network for Practical Cooperation in Resettlement”  
Welcome to Europe. A guide to Resettlement [http://www.icmc.net/pdf/welcome\\_to\\_europe.pdf](http://www.icmc.net/pdf/welcome_to_europe.pdf)  
[http://www.accem.es/ficheros/documentos/pdf\\_publicaciones/BienvenidoEuropa](http://www.accem.es/ficheros/documentos/pdf_publicaciones/BienvenidoEuropa).

<sup>23</sup> [http://www.lamoncloa.gob.es/ServiciosdePrensa/NotasPrensa/MIR/\\_2010/ntpr20100504\\_Guantanamo.htm](http://www.lamoncloa.gob.es/ServiciosdePrensa/NotasPrensa/MIR/_2010/ntpr20100504_Guantanamo.htm)  
[http://www.lamoncloa.gob.es/ServiciosdePrensa/NotasPrensa/MIR/\\_2010/ntpr20100722\\_Guantanamo.htm](http://www.lamoncloa.gob.es/ServiciosdePrensa/NotasPrensa/MIR/_2010/ntpr20100722_Guantanamo.htm)

<sup>24</sup> Suite101: Moratinos y la liberación de presos políticos en Cuba. <http://carlosperez.suite101.net/liberacion-de-presos-politicos-en-cuba-a20701>; <http://www.elmundo.es/america/2010/07/07/cuba/1278525697.html>

<sup>25</sup> Interview with the advisor of the Ministry for Employment and Social Security

<sup>26</sup> This was the opinion offered by a member of staff of the Ministry for Employment and Social Security during an exchange of emails in January 2012.

	In July 2012 the Government in place pledged to resettle 80 refugees and in December 2012 it committed again to resettle on a programme-basis.
<b>III. Resettlement Implementation</b>	
<b>Refugees resettled</b> <a href="#">2012</a>	<p>80 refugees of Eritrean, Sudanese and Somalia origin: 22 men, 25 women and 33 children originally coming from Eritrea, Ethiopia and Sudan.</p> <ul style="list-style-type: none"> <li>- 4 of them were granted refugee status</li> <li>- 74 of them were granted subsidiary protection</li> <li>- 2 of them were granted family reunification</li> </ul> <p>Country of first asylum: Tunisia</p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<b>Selection criteria</b> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>UNHCR Global Resettlement Solidarity Initiative <sup>27</sup>.</p> <p>The criteria for the selection and profile covered by the programme will be defined on a yearly basis according to UNHCR recommendations in conjunction with EU policies.</p> <p>The quota and number of beneficiaries will be decided on a yearly basis very much linked to the financial resources available and the political priorities, which exist at that moment.</p>
<b>Selection Process</b> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>n/a</p> <p>Previously the selection of the cases was done through the presentation of the cases by UNHCR to the correspondent competent national authorities. The acceptance process was coordinated by the Ministry of Interior.</p> <p>UNHCR prepared refugees dossiers, which were sent to the OAR – Oficina de Asilo y Refugio – Asylum and Refugee Office for examination and consideration.</p> <p>2011: Selection interviews were carried out in the first semester 2011 by OAR representatives on a selection mission to Syria after revising the dossiers sent to Spain by the UNHCR.</p> <p>2012: Representative of the Ministry of the Interior conducted a selection mission in Shousha in June 2012, leaded by the General Director of Interior Policy.</p> <p>It is generally understood that the cases will be chosen from the dossiers forwarded by UNHCR in the future.</p> <p>The departure procedures were implemented in close coordination with the International Organisation for Migration (IOM) and the UNHCR. The refugees were documented with a “salvoconducto” (safe conduct) issued by the Spanish Embassy in Tunisia, which was used to move them from the refugee camp into Spain.</p>

<sup>27</sup> <http://www.unhcr.org/4e11735e6.html>

<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>2011: Cultural Orientation was provided. Information sessions implemented by IOM covering important information about Spain took place.</p> <p>IOM in close collaboration with the Spanish embassy, has assisted the 80 refugees with their travel from Shousha camp to Madrid including the facilitation of departure and arrival procedures.</p> <p>So far and considering the experience in 2012 with the 80 persons resettled from Tunisia, no medical screenings were done. All the screening took place once they were in Spain.</p>
<p><b>Procedure Timing</b></p>	<p>The resettlement process - from selection to arrival - took approximately 3 months.</p>
<p><b>Comments</b></p>	<p>Putting in place a cultural orientation programme was brought up by all stakeholders at a very early stage. The Ministries in charge consulted each other on existing comparative practices. It seems that this may be developed more broadly, with a detailed contents outline for the next programmes in place. During the 2012 resettlement process, this has been implemented by IOM.</p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p> <p><a href="#">Law 12/2009</a>, of 30 October, regulating the right to asylum and subsidiary protection</p>	<p>Law 12/2009 states that those resettled will receive the same refugee status as other refugees in Spain.</p> <p>The 80 refugees resettled in 2012 were granted refugee status or subsidiary protection depending on the different profiles.</p>
<p><b>Rights granted</b></p> <p>Legal source</p> <p>Article 36 of <a href="#">Asylum Law 12/2009</a> and Law 4/2000.</p> <p><i>Residence</i></p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p> <p><i>Preparing local community</i></p> <p><i>Developing Integration Programme (Housing, health, education)</i></p> <p><i>Cultural orientation</i></p>	<p>Refugees accepted for resettlement are granted rights according to Article 36 of Law 12/2009 as well Law 4/2000.</p> <p>These two laws guarantee basic rights such as health, education, the right to seek employment, family reunification etc.</p> <p>The resettled refugees have the right to reside and work permanently under the terms established by the Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration.</p> <p>Government entities: representative members of the Ministry of Employment, and Ministry of Interior will meet refugees at the airport. In 2011, NGOs were also present (Accem, CEAR and the Spanish Red Cross). They are then accompanied to different reception centres for period of 6 months minimum depending on the situation.</p> <p>Information is given in reception centre.</p> <p>No</p> <p>The programme conducted was for all asylum seekers or refugees staying on any reception centre in Spain. After leaving the centre, refugees benefit from any other general service addressed to regular migrants as well as the Spanish general society. This is facilitated by the NGOs involved who were also in charge of managing the reception centres as they are experienced in the field of integration. Once the resettled refugees are in Spain, they will be supported by the government for a period of two years.</p>

	<p>Social integration has been divided into 3 stages. The first is within the reception centre, the second is called “autonomy” in which financial support, guidance and follow up will be carried out by NGOs such as Accem, Cear and the Spanish Red Cross. For the third stage, it will be decided on a case by case basis whether any additional financial or guidance will be required.</p> <p>As with all asylum seekers, initial accommodation is available for 6 months and up to 12 months. This depends upon the level of vulnerability and profile of every case in reception centres (“Centros de Acogida a Refugiados”), which are directly managed by the Ministry of Employment &amp; Social Security or run by NGOs such as ACCEM, CEAR and Cruz Roja under contract with the same Ministry.</p> <p>They will benefit from the same conditions and financial support as any other asylum seeker and/or refugee covered under the Spanish reception and accommodation services. Once they leave the reception centre and pass the second phase of the programme they will be connected with the municipalities. In most cases this will be the same municipalities in which the reception centres are located.</p>
<i>Counselling</i>	A social orientation class is offered in the reception centre. The contents include information on schooling, expenses, food, housing, transportation, environment etc.
<i>Language/Skills training</i>	Spanish classes are offered upon arrival within every reception centre. Once refugees and/or beneficiaries of international protection are in private housing, NGOs will help to provide language classes depending on and the relevant profiles as well as the existing budget at that time.
<i>Employment</i>	NGOs assist refugees in finding employment. Every refugee case presented by NGOs should go through a formal process carried out by the employment services. This process would involve advisory consultations on the development and implementation of skills and tools for job seeking, as well as the facilitation of employer’s contacts.
<i>Family Reunification</i>	In Spain, people with a refugee protection status (for 5 years), and/or subsidiary protection (1 year) can apply for family reunification. Nevertheless for resettled refugees it is possible to apply for family reunification, to which the procedure is easier and shorter with fewer requirements for documentation to support it.
<i>Advice of Accessing Services</i> <i>Mentoring</i>	There is no formal programme as such, although support or assistance could always be provided in a medium and long term by the NGOs addressed if demanded by the beneficiaries.
<i>Training of local service providers</i>	No formal or specific training for resettlement is offered.
<i>Volunteer support</i>	None mentioned.
<i>Housing</i>	Housing is organized by NGOs organizations (Accem, Cear, and Spanish Red Cross) and/or by the Ministry of Employment. The resettled persons stay in reception centres for the first 6 months and for up to 18 months (in exceptional cases). After the resettled person leaves the centre, information about the possible existing services within the local and regional territories will be provided and refer to: education and contacts, access to public assistance and health care, managing household budgets, etc.
<i>Medical screening</i>	All resettled persons were sent to the General Health Services.

<p><b>Comments</b></p>	<p>Considering that only recently 80 refugees have been resettled under Law 12/2009, it is not possible to evaluate how successful it is at integrating the resettled refugees into Spanish society. No formal evaluation research has been done, this makes it very difficult to evaluate whether previous resettlements have been successful or not.<sup>28</sup></p> <p>Though a very recent programme was carried out, few gaps/recommendations have been highlighted by all the stakeholders interviewed during 2012:</p> <ul style="list-style-type: none"> <li>- The development of a detailed programme for the resettlement (i.e., stakeholder's roles, administrative procedures...) where all the elements should be defined for each time the programme will be implemented.</li> <li>- Design and Development of awareness raising and training addressed to all stakeholders involved.</li> <li>- The different stakeholders involved in the resettlement process should have specific training on resettlement as a necessary tool to better understand the process.</li> <li>- Determination of the resettled refugees through the same institution, the CIAR.</li> <li>- The involvement of NGOs during the pre- departure and post-arrival activities of the resettlement programme must be considered as being a key element in the integration process.</li> <li>- Final reception and integration should be formally coordinated by local and regional authorities (the Autonomous Communities – CCAA). While all the stakeholders recognised the importance of CCAA role, their competences seems to be centralized both during the process.</li> </ul>
<p><b>c) Costs and Funding</b></p>	
<p><b>Funding</b></p> <ul style="list-style-type: none"> <li>- <i>National Level</i></li> <li>- <i>ERF</i></li> </ul>	<p>Resettlement is funded by the budget allocated to the Secretary General of Immigration and Emigration, as part of the annual “presupuestos generales del Estado”, general State budgets following agreements made with the UNHCR and NGOs, and other subsidies agreements.</p> <p>The Ministry of Labour and Immigration, which is now the Ministry for Employment and Social Security published a communication dated 4 October 2011, in which the Ministry outlines its draft immigration budget for 2011.<sup>29</sup> The Ministry earmarked a budgetary figure of €268 million for the development of immigration and emigration policies in 2011, €7,5 million of which was to be spent on immigration and €141,4 million on the integration of immigrants. It is likely that some of this funding would have gone to resettlement projects had they occurred. The text of the communication did not however make specific reference to resettlement. It stated that the Department's priorities with regard to immigration continues to be: the orderly management of migration flows; cooperation and international dialogue with the countries of origin; and the fight against illegal immigration and integration policies that favour coexistence and social cohesion.</p> <p>At present ERF can co-finance resettlement efforts and actions, if such a necessity arises.<sup>30</sup></p>

<sup>28</sup> When information was requested from a member of staff at the Ministry for Employment and Social Security regarding this point, the researcher was informed that the staff member did not have such information.

<sup>29</sup> [http://extranjeros.meyss.es/es/Actualidad/documentos/NOTA\\_PRESUPUESTOS\\_2011.pdf](http://extranjeros.meyss.es/es/Actualidad/documentos/NOTA_PRESUPUESTOS_2011.pdf)

<sup>30</sup> Interview with the advisor of the Ministry for Employment and Social Security



	<p>In the ERF Pluriannual Plan 2008-2013<sup>31</sup>, funding is to be allocated for resettlement. Between 2008 and 2013, the Pluriannual Plan foresaw a spending total of €1.997.013, 00 on resettlement initiatives for the resettlement of 350 persons. The resettlement mentioned in this plan has not happened. It remains to be seen whether those due to take place in 2012 and 2013 will go ahead.</p>
<b>Costs</b>	<p>The ERF mentions allocating funding for related projects run by NGOs in Spain. A refugee resettlement programme by ACCEM is listed as one of the projects chosen to receive financial assistance, €102,094.31.<sup>32</sup></p> <p>Using the aforementioned approval of the establishment of a resettlement programme for reference, the primary source of funding would have been the Ministry for Labour and Immigration which is now the Ministry for Employment and Social Security.</p> <p>The approval mentions that €23,353.18 is the estimated cost of the selection mission for this particular programme undertaken by officers from the Office of Asylum and Refugee, funded by the Ministry of the Interior.</p> <p>In short, taking this approval as an example, the funding would be split between the Ministry for Labour and Immigration, now the Ministry for Employment and Social Security and the Ministry of the Interior. In the approval there is no mention of using funds from the ERF.</p> <p>There are no official government figures available regarding the funding allocated for previous ad hoc resettlement programmes. Official State reports do not provide details on government expenditure allocated to resettlement specifically and only provide general figures for ministries, government bodies, etc.<sup>33</sup></p> <p>The new Resettlement Programme to be embarked will be mainly implemented by Home Affairs and Labour and Social Security Ministries and its costs are estimated to be 894,655,17 euros.</p>
<b>Comments</b>	<p>Due to Spain's geographical location, it historically has had strong ties with the north of Africa. In recent years Spain has sought to control and monitor Spanish sea borders in order to curb the flow of migrants who often arrive to Spanish shores. It seems that much of Spain's time and energy with regard to immigrants, has been spent developing tactics designed to keep immigrants out rather than letting them in. In recent years the number of persons seeking asylum has dropped, as has the number of persons gaining access to Spain by crossing the Straits of Gibraltar by boat or travelling to the Canary Islands.</p> <p>Although Spain committed to embark a new resettlement programme for 2013 and 2014, it still remains to be seen if Spain will resettle refugees in the future. It seems that the focus of the Spanish Government is towards bringing Spain out of the economic crisis and therefore, resettlement in the future will most likely depend on Spain's economic performance.</p> <p>From the interviews with stakeholders, the importance of a successful implementation of the resettlement programme during 2012-2013 was stressed on many occasions. This reasoning is linked with choosing a certain group of refugees seen as having a lower degree of vulnerability in comparison with special case such as medical cases or elderly people who could be seen as bring more of an economic burden.</p>

<sup>31</sup> [http://extranjeros.meyss.es/es/Fondos\\_comunitarios/programa\\_solidaridad/refugiados/pdf/FER\\_Plan\\_Plurianual\\_2008\\_2013\\_MTIN.pdf](http://extranjeros.meyss.es/es/Fondos_comunitarios/programa_solidaridad/refugiados/pdf/FER_Plan_Plurianual_2008_2013_MTIN.pdf)  
 The following is a link to the Government resolution regarding proposals presented by NGOs etc, applying for funding. Resettlement projects are listed as one area that may be financed: <http://www.boe.es/boe/dias/2008/11/18/pdfs/A45909-45925.pdf>  
 Another link is being included here to a resolution made by the Directorate General for the Integration of Immigrants which makes reference to financing programmes using the ERF. There is a specific reference made to resettlement programmes at the end of this document in "Anexo A": [http://www.boe.es/boe/consultas/bases\\_datos/doc.php?id=BOE-A-2009-15165](http://www.boe.es/boe/consultas/bases_datos/doc.php?id=BOE-A-2009-15165)

<sup>32</sup> [http://extranjeros.meyss.es/en/Fondos\\_comunitarios/programa\\_solidaridad/refugiado/](http://extranjeros.meyss.es/en/Fondos_comunitarios/programa_solidaridad/refugiado/)

<sup>33</sup> This point was communicated to the researcher through correspondence with a member of staff of the ministry of Employment and Social Security



## KNOW RESET Country Profile: Spain

	<p>Questions regarding the European Union are seen as being too distant from the issues affecting Spain. The EASO for example was considered as having an important role regarding resettlement but with limitations due to the lack of funds and human resources. It appears that no European policies or any other European institutions address the Spanish issues.</p>
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## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***Sweden***

Report written by

**Alina Ostling (EUI)**

**George Joseph (ECRE)**

**and reviewed by the Know Reset team**

June, 2013

### Country Profile: SWEDEN

The Swedish Government officially aims for Sweden to have a humane asylum policy and to be a haven for those fleeing from persecution and oppression. This policy has strong support in the parliament.<sup>1</sup> Sweden – together with France and Germany – receives the largest numbers of asylum-seekers into Europe.<sup>2</sup> In 2001, Sweden became a full member of Schengen and its borders became much more open thereafter. These opened borders, together with the new (Öresund) bridge connection to Denmark, resulted in an increase of the number of asylum seekers in Sweden in the early part of the new millennium.

In terms of party politics, the Swedish immigration policy is characterized by a broad political consensus. All parties in parliament, except the Swedish Democrats (Sverigedemokraterna), describe their immigration policies as "generous." Curiously, the far-right party the Swedish Democrats is positive towards resettlement; basically they want to restrict the reception of refugees only to Convention refugees and quota refugees.

Turning to the Swedish media's perspective, immigration and asylum issues are high on the agenda, while resettlement is not. The Swedish Migration Board would like to raise awareness of quota refugees among the public because resettlement is seen as being an important part of Sweden's humanitarian responsibility and as being relevant to its development aid and UN activities. However, there is a risk that the good-will gained by focusing on quota refugees may reduce the general public's acceptance of spontaneous asylum seekers arriving in Sweden.<sup>3</sup> There is an opinion among the general public that quota refugees are the only 'real' refugees.<sup>4</sup> Overall, Swedes' attitudes toward immigrants have never been as accepting as they are now. According to a recent survey from Gothenburg University, Swedish people have become less xenophobic in the past 15 years. In 1993, 52 % agreed with the statement "There are too many foreigners in Sweden", while in 2009 only 36 % did.<sup>5</sup>

Resettlement in Sweden started in 1950 when the first annual refugee quota was set. It is a supplement to the asylum system and is unaffected by the number of people who apply for asylum in Sweden each year. To begin with, the Swedish refugee quota was a contribution to emptying the refugee camps in Europe after the Second World War. At the time, Sweden also suffered a labour shortage. In fact, nine out of ten of the collective transferred refugees between 1950 and until mid-1970's was of working age and able-bodied. Sweden's resettlement activities have since then taken a completely different direction. Sweden was one of the first countries in the world that received tuberculosis and disabled refugees for resettlement. In the 1980s, resettlement acquired a humanitarian focus. Sweden is not only the "oldest" European resettlement country<sup>6</sup> but also the country that offers most resettlement places in Europe.<sup>7</sup> What is more, Sweden is also one of the largest resettlement countries (per capita) in the world.<sup>8</sup> This generous resettlement practice is in line with Sweden's liberal refugee policy. It is also at one with the overall approach to resettlement in the Nordic countries which consider it as a vital tool for international protection of refugees.<sup>9</sup>

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<sup>1</sup> The Government Offices website at: <http://www.regeringen.se/sb/d/9688>

<sup>2</sup> UNHCR website: <http://www.unhcr.org/pages/49e48f056.html>

<sup>3</sup> Migration Board presentation at the seminar "Sweden's refugee quota" in Haparanda, dated April 2009.

<sup>4</sup> Migration Board webpage "Quota refugees - the only real refugees" (»Kvotflyktingar — det är bara de som är riktiga flyktingar»): <http://www.migrationsverket.se/info/4414.html>

<sup>5</sup> One of the main Swedish newspapers: Dagens Nyheter (2010). Art. "Svenskarna blir alltmer positiva till invandrare". Dated 2010-05-24 at: <http://www.dn.se/debatt/svenskarna-blir-alltmer-positiva-till-invandrare>

<sup>6</sup> Migration Board, "Resettlement to another life" (Vidarebosättning till ett annat liv), Thematic Report 3:2010: <http://www.migrationsverket.se/info/495.html>

<sup>7</sup> The Government Offices of Sweden website at: <http://www.regeringen.se/sb/d/9688/a/90410>

<sup>8</sup> Migration Board presentation at the seminar "Sweden's refugee quota" in Haparanda, dated April 2009, op.cit.

<sup>9</sup> Resettlement in the Nordic Countries, Mette Honoré, Danish Refugee Council, September 2003, at: <http://www.migrationinformation.org/Feature/display.cfm?ID=159>

The legal basis for resettlement is contained in the Aliens Act, which came into force on 31 March 2006 and replaced the 1989 Aliens Act. The reform was aimed at strengthening the rule of law in the field of migration.<sup>10</sup> The current Act offers a better distinction between the various grounds for residence permit and emphasises the need for protection. The definition of protection has been extended to cover those who, because of severe conflicts in their home country, feel a well-founded fear of persecution.<sup>11</sup> In particular, the Act clarifies that persons accepted for resettlement must be granted a residence permit<sup>12</sup>. Since the current Act came into force, the proportion of persons in need of protection granted residence permits has increased with respect to the total number of residence permits issued.<sup>13</sup>

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<sup>10</sup> Migration Board (2010). "Migration 2000–2010". Report 2:2010. [www.migrationsverket.se](http://www.migrationsverket.se)

<sup>11</sup> Parliamentary protocol 2004/05:130, Debate, Speaker: (at the time Minister of Migration and Asylum Policy) Barbro Holmberg (social democrat), 31 May 2004: [http://beta.riksdagen.se/sv/Dokument-Lagar/Dokument/Protokoll/Riksdagens-protokoll-200405130-Tisdagen-den-31-maj\\_GS09130/](http://beta.riksdagen.se/sv/Dokument-Lagar/Dokument/Protokoll/Riksdagens-protokoll-200405130-Tisdagen-den-31-maj_GS09130/)

<sup>12</sup> Government bill (2004/05:170) "New instance and process order in the Aliens and citizenship issues" handed over to the Parliament on May 26, 2005: [www.regeringen.se/content/1/c6/04/55/68/018827d5.pdf](http://www.regeringen.se/content/1/c6/04/55/68/018827d5.pdf)

<sup>13</sup> Government communication to the Parliament (2010/11:29), Migration and asylum policy, 28 October 2010: [http://www.riksdagen.se/webbnav/index.aspx?nid=37&dok\\_id=GY0329](http://www.riksdagen.se/webbnav/index.aspx?nid=37&dok_id=GY0329)

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>14</sup></p> <p><b>Number of asylum seekers</b><sup>15</sup></p> <p><b>Resettlement Scheme</b></p> <p><b>Resettlement Quota</b></p>	<p><b>10,830</b> (2011)</p> <ul style="list-style-type: none"> <li>– <b>2,870</b> (Refugee protection)</li> <li>– <b>7,960</b> (Other Protection)</li> </ul> <p><b>10,344</b> (2010)</p> <ul style="list-style-type: none"> <li>– <b>2,304</b> (Refugee protection)</li> <li>– <b>8,040</b> (Other Protection)</li> </ul> <p><b>29,648</b> (2011)</p> <p><b>31,819</b> (2010)</p> <p>Programme-Based (since 1950)</p> <p>1,900/year</p>
<i><b>I. Legal and Administrative Framework</b></i>	
<p>Asylum law / Aliens Act</p> <p>The <u><a href="#">Aliens Act, 2005</a></u> with latest amendments in 2012</p>	<p>Specific provision on Resettlement:</p> <p>The Aliens Act (2005:716), Chapter 5. 'Residence permit for persons otherwise in need of protection', Section 2:</p> <p>"A residence permit shall be given to an alien who has been received in Sweden within the framework of a decision that the Government has issued on the transfer to Sweden of persons in need of protection (resettlement)".</p>
<p><b>Other basis of resettlement:</b></p> <p>Decision: "<u><a href="#">Spending authorization for year 2012 regarding the Migration Board</a></u>"<sup>16</sup>, Ministry of Justice, dated 2011-12-22<sup>17</sup></p> <p>Decision: "<u><a href="#">Resettlement 2012 - Distribution of places, strategic and operational assessments</a></u> for fiscal year 2012", Migration Board decision N° GDA 6/2012, dated 2012-01-23</p>	<p>Defines quota: 1,900 persons</p> <p>Shapes the resettlement quota and Shapes the resettlement quota and from which countries refugees are resettled.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>No planned reform. No change is expected regarding the annual resettlement quota, which had been increased by 200 between 2006 and 2008. The annual resettlement programme has worked out very well and the Swedish government does not see any reason for changing this.<sup>18</sup></p>

<sup>14</sup> Source: Migration Board, permit statistics.

<sup>15</sup> Available at: <http://www.migrationsverket.se/download/18.78fcf371269cd4cda980004204/tabs2.pdf>

<sup>16</sup> 'Spending authorization' is an official document placing appropriations at the disposal of the authorities concerned.

<sup>17</sup> The website of the Swedish National Financial Management Authority at: <http://www.esv.se/Verktyg--stod/Statsliggaren/Regleringsbrev/?RBID=13902>

<sup>18</sup> Interview with the Swedish Ministry of Justice, 30 March 2012.

<b>II. Resettlement Policy and Related Involvements</b>																																											
<b>a) On an ad hoc basis</b>	Sweden has always resettled on a programme basis.																																										
<b>b) On a programme basis</b>	<p><u>Yearly Quota</u></p> <table> <tr><td>2000</td><td>1380</td></tr> <tr><td>2001</td><td>1285</td></tr> <tr><td>2002</td><td>1000</td></tr> <tr><td>2003</td><td>1000</td></tr> <tr><td>2004</td><td>1700</td></tr> <tr><td>2005</td><td>1700</td></tr> <tr><td>2006</td><td>1700</td></tr> <tr><td>2007</td><td>1800</td></tr> <tr><td>2008</td><td>1900</td></tr> <tr><td>2009</td><td>1900</td></tr> <tr><td>2010</td><td>1900</td></tr> <tr><td>2011</td><td>1900</td></tr> <tr><td>2012</td><td>1900</td></tr> </table> <p>2012 Countries from which refugees are resettled (country of origin)<sup>19</sup>:</p> <table> <tr><td>Kenya (Somali citizens)</td><td>350</td></tr> <tr><td>Sudan (Eritrean citizens, etc.)</td><td>150</td></tr> <tr><td>Djibouti (Somali citizens, etc.)</td><td>100</td></tr> <tr><td>Iran (Afghan citizens)</td><td>400</td></tr> <tr><td>Tunisia (mixed nationalities)</td><td>200</td></tr> <tr><td>Ecuador (Colombian citizens)</td><td>100</td></tr> <tr><td><i>Pool for flexible use (mixed nationalities)</i></td><td>250</td></tr> <tr><td><i>Acute cases (mixed nationalities)</i></td><td>350</td></tr> </table> <p>Sweden does not apply any specific sub-quota.</p> <p>The Swedish programme allocates a significant number of places for urgent and emergency cases each year. For 2008, this number was set at 300 and subsequently increased to 350 places in 2009.</p>	2000	1380	2001	1285	2002	1000	2003	1000	2004	1700	2005	1700	2006	1700	2007	1800	2008	1900	2009	1900	2010	1900	2011	1900	2012	1900	Kenya (Somali citizens)	350	Sudan (Eritrean citizens, etc.)	150	Djibouti (Somali citizens, etc.)	100	Iran (Afghan citizens)	400	Tunisia (mixed nationalities)	200	Ecuador (Colombian citizens)	100	<i>Pool for flexible use (mixed nationalities)</i>	250	<i>Acute cases (mixed nationalities)</i>	350
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<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	n/a																																										

<sup>19</sup> “Resettlement 2012 - Distribution of places, strategic and operational assessments for fiscal year 2012”, Migration Board decision N° GDA 6/2012, dated 2012-01-23

<p><b>d) Through other Projects</b></p> <p><i>Governmental Level</i></p> <p><u><a href="#">MOST Project</a></u></p> <p>Colombian Project (2000-2002)          UNHCR Trust Fund for Enhancing Resettlement Activities          Mexico Plan of Action</p> <p><u><a href="#">“Spending authorization for year 2012 regarding the Migration Board”</a></u>, Ministry of Justice, dated 2011-12-22</p> <p><i>Non-Governmental Level</i></p>	<p>In the framework of the MOST project, Spain took part in the Swedish selection missions in order to find out how the resettlement process could be organised. Representatives of the Spanish government from the Ministry of Labour and Social Affairs participated in selection missions to Jordan with the Swedish partner in June 2007. The related fact-finding missions created a model that can be used for organising similar twinning activities in the future.</p> <p>In the past, Sweden has used part of its resettlement funding for projects aimed at supporting refugees and promoting resettlement in third countries through ‘Regional Resettlement’ initiatives, e.g. the Colombian Project (2000-2002); and the UNHCR Trust Fund for Enhancing Resettlement Activities (a Nordic initiative piloting regional resettlement in Burkina Faso and Benin).<sup>20</sup> Moreover, Sweden was part of a project called the Mexico Plan of Action (2006) aimed at the resettlement of mainly Colombian refugees in Latin America.</p> <p>Until 2009, the yearly spending authorization from the Ministry of Justice contained the following wording (translated from Swedish by the author): “The Migration Board, in consultation with UNHCR, shall explore the possibility of taking measures to facilitate alternative resettlement primarily in third countries.” This wording was dropped in the 2010-spending authorization and currently there seems to be no funding of resettlement in third countries.</p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo          Intra-EU “Relocation”</p>	<p>None.</p> <p>Sweden is very doubtful towards relocation. Institutional stakeholders would prefer other instruments than relocation to help EU Member States that have limited capacity for receiving refugees<sup>21</sup>.</p>
<p><b>Comments</b></p>	<p>When Sweden was chairing the ATRC and WGR (2009-2010), they selected the theme ‘Increased Global Commitment and Capability for Resettlement’.<sup>22</sup></p>
<p><b>III. Resettlement Implementation</b></p>	
<p><u><a href="#">Refugees resettled</a></u></p> <p>2012          2011          2010          2009          2008</p>	<p><b>1,853</b>  <b>1,896</b>  <b>1,786</b>  <b>1,936</b>  <b>2,209</b></p>

<sup>20</sup> Source: International Catholic Migration Commission (ICMC). Welcome to Europe! A Guide to Resettlement: A Comparative Review of Resettlement in Europe.

<sup>21</sup> Interview with the Swedish Ministry of Justice, 16 May 2012.

<sup>22</sup> Migration Board (2010). Reporting of completed chairmanship of UNHCR’s Annual Tripartite Consultations on Resettlement (ATRC) and Working Group on Resettlement (WGR). Final report. 2010-10-04. (on file)



<p><b>a) Selection Criteria and Process – Pre-Arrival Phase</b></p>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>The yearly resettlement planning is carried out through a dialogue with UNHCR. Usually, UNHCR makes concrete suggestions, giving specific weight to strategic resettlement and efforts to resolve protracted refugee situations. Also of influence is the availability of Swedish dossier selection places and other resettlement countries' allocations.<sup>23</sup></p> <p>An applicant must meet the criteria of the Geneva Convention or meet the criteria for subsidiary protection to be offered resettlement in Sweden.</p> <p>The Swedish programme does not specify resettlement criteria or special categories. However, the quota for resettlement and the countries from which the refugees are drawn was shaped by the following considerations:</p> <ol style="list-style-type: none"> <li>1. UNHCR requests for destinations and target groups in accordance with "UNHCR Projected Global Resettlement Needs 2012";</li> <li>2. Sweden's willingness to contribute to solving protracted refugee situations and the desire to use resettlement strategically;</li> <li>3. Sweden's ability to act quickly to resettle people with urgent needs;</li> <li>4. Sweden's ability to use the dossier selection method extensively.</li> </ol> <p>Sweden offers resettlement also to Tribunal witnesses and their family members.<sup>24</sup></p> <p>Sweden does not require any other assessments (of medical needs, integration potential, or else) to be made before decision or departure.<sup>25</sup></p> <p>While there is no specified sub-quota, Sweden accepts limited numbers of unaccompanied minors within the resettlement programme.<sup>26</sup></p> <p>In accordance with the principle of family unity, resettlement is generally offered to all family members even if the need for protection only applies to one or a few. This applies to the core family - that is married or unmarried spouses and their children (under 18 years of age). The Migration Board may in exceptional cases decide to offer resettlement to only one or some of the family members.<sup>27</sup></p> <p>Moreover, Sweden uses the Emergency Transit Centre (ETC) in Romania in cases when they cannot find places in the Swedish municipalities fast enough for the resettling persons. It occurs only in a few cases per year. The MB has no agreement with UNHCR on receiving a particular number of refugees from the centre.</p>

<sup>23</sup> Annual program of the European Refugee Fund 2010: Sweden. (Årligt program Europeiska flyktingfonden 2010).(2010): [www.migrationsverket.se](http://www.migrationsverket.se)

<sup>24</sup> UNHCR Resettlement Handbook, Country Chapter: Sweden, July 2011.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>No</p> <p>The Swedish Migration Board (Migrationsverket), acting on behalf of the Government, is the main actor responsible for resettlement to Sweden. In accordance with the annual government decision, the Migration Board draws up the guidelines for the resettlement program and defines the proposed composition and any regional focus.<sup>28</sup></p> <p>Cases should be submitted by UNHCR; a Swedish diplomatic mission can make submissions only in exceptional cases.</p> <p>The Migration Board decides on composition of resettled persons – i.e. which refugee groups, nationalities and from which countries - in close cooperation with UNHCR.<sup>29</sup> UNHCR suggests a composition annually and the Migration Board makes the final decision after a consultation with UNHCR and the Swedish Government Offices (Regeringskansliet).<sup>30</sup> To further prepare the resettlement programme decision, the Migration Board contacts Sweden's foreign missions in the countries from which the resettled refugees are to be taken. They are given an opportunity to comment on issues such as security, support for Swedish personnel in mission selection and issuance of travel documents to the selected refugees. Different units within the Migration Board are also asked for input. Finally, the Swedish Security Police (SÄPO) is contacted regarding safety-related aspects.<sup>31</sup></p> <p>The resettlement quota is divided almost equally between processing via in-country selection and dossier selection. In contrast to other resettlement countries, the slight majority of Sweden's quota is selected through dossier selection.</p> <p>The trade-off between mission vs. dossier selection is mainly based on the following reasons:</p> <ol style="list-style-type: none"> <li>1. The security situations in the countries of first asylum do not always permit missions (in particular, in-country travels of refugees coming to selections are deemed as dangerous), e.g. in 2012, missions were not judged possible in Eritrea.</li> <li>2. In some cases, dossier selection is not sufficient because there is a need for in-depth investigations, e.g. in 2012; in-depth investigations were judged necessary in the case of Somali refugees in Eritrea and Yemen.</li> <li>3. Sweden has carried out selection missions in Sudan in 2009 and 2010. In 2011, dossier selection was applied and had high granting frequency of status (98% for Eritrean refugees). On the basis of this result, the Migration Board judged that dossier selection is both possible and effective in Sudan. Another factor that contributed to the choice of dossier selection were previous logistical difficulties of missions in Sudan.</li> </ol>
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<sup>28</sup> Migration Board webpage "Quota refugees - the only real refugees" («Kvotflyktingar — det är bara de som är riktiga flyktingar»): <http://www.migrationsverket.se/info/4414.html>

<sup>29</sup> Migration Board homepage: <http://www.migrationsverket.se/info/495.html>

<sup>30</sup> Migration Board presentation at the seminar "Sweden's refugee quota" in Haparanda, dated April 2009

<sup>31</sup> Migration board website: Annual program of the European Refugee Fund 2010: Sweden. (Årligt program Europeiska flyktingfonden 2010).(2010): [www.migrationsverket.se](http://www.migrationsverket.se)

	<p>Each year the Swedish Migration Board undertakes 4-5 in-country selection missions.<sup>32</sup> The Migration Board's annual resettlement programme defines what kind of selection missions are planned for the year, when, to which countries, what groups of refugees they should select and how many. However, the programme also leaves room for flexibility: an unexpected conflict or political complications in any part of the world can impede planned selection missions. Hence, priorities can be changed in order not to leave unused resettlement places.<sup>33</sup></p> <p>To facilitate preparations, the Migration Board uses the Pre-Mission Questionnaire for Resettlement Interview Missions and Pre-Mission Checklist for Resettlement Interview Missions supplied by UNHCR. Pre-missions are also used to meet with partners on site and to jointly discuss timelines, risks and objectives concerning the selection.</p> <p>All documentation i.e. by Resettlement Registration Form (RRF) and all possible supplementary documentation should be provided by UNHCR and made available at least one month before the planned date of departure. To ensure sufficient scope for selection and avoid no-shows, presentations should envisage about 25% more persons than will be selected.</p> <p>The Migration Board emphasizes that information on special medical or other needs or treatment should be mentioned in the RRF in order to be better prepared for the refugees' reception and integration.</p> <p>Interviews are carried out on an individual basis and the aim is to supplement the information provided in the RRF, hence to provide a sufficient base for the assessment of refugee status and final decision by the Migration Board.</p> <p>Grounds for rejection are given orally and in writing.</p>
<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation</li> <li>• Assistance with travel documents</li> </ul>	<p>Up until 2009, Swedish cultural orientation and other pre-departure preparations were limited. Refugees selected by missions received limited information about Swedish society and what resettlement means at the time of their interview. Only a few of those subsequently selected have had the opportunity to participate in a cultural orientation programme. Reasons for a lack of preparatory initiatives include funding issues and insufficient organization.</p> <p>Sweden has now developed and included pre-departure cultural orientation into the resettlement programme. The scope and length of the cultural orientation varies depending on the needs of each target group, but generally two types of sessions are used: full cultural orientation programmes, ranging between one to two weeks, and shorter workshops on a few days. Each refugee is offered between 5 – 10 hours of information within these programs.</p> <p>The programmes are carried out by officers from the Migration Board together with officials from some of the receiving municipalities and officers from the Swedish Employment Service.</p> <p>The Migration Board engages the IOM for travel arrangements, e.g. ticket purchase, helping the refugees with the purchase of warm clothing, and check-in at the airport. The refugees who are travelling in large groups are escorted by a person from the IOM all the way to Sweden.<sup>34</sup></p>

<sup>32</sup> Ibid.

<sup>33</sup> Migration Board, "Resettlement to another life" (Vidarebosättning till ett annat liv), Thematic Report 3:2010: <http://www.migrationsverket.se/info/495.html>

<sup>34</sup> Migration Board. Annual program of the European Refugee Fund 2010: Sweden. (Årligt program Europeiska flyktingfonden 2010).(2010): [www.migrationsverket.se](http://www.migrationsverket.se)

<ul style="list-style-type: none"> <li>Medical screening</li> </ul>	<p>Sweden does not require UNHCR or IOM to carry out a medical examination of refugees entitled to resettlement in Sweden. However Swedish Migration Board considers it is important to clearly indicate the individual's state of health and to include relevant medical documentation in the submission from the UNHCR. This will be a valuable source of information both for the refugee and for the municipal authorities charged with his or her care.</p>
<b>Procedure Timing</b>	<p>The whole process, from selection to the arrival of the refugees to Sweden, should not take more than 3 months:</p> <ol style="list-style-type: none"> <li>The selection process lasts 2-3 weeks.</li> <li>After this, a resettlement municipality in Sweden is identified (circa 6 weeks).</li> <li>The Cultural Orientation (Sverigeprogram) is carried out in 7-10 days.</li> <li>Departure takes place maximum 2-4 weeks after the orientation. The Migration Board has diminished the average decision time in resettlement cases from 124 to 87 days between 2006 and 2009.<sup>35</sup></li> </ol> <p>Emergency cases can take up to 5 days<sup>36</sup> from the receipt of the dossier to arrival in Sweden. Urgent cases should not take more than 10 days. Both emergency and urgent cases are usually dealt with on a dossier basis.</p>
<b>Comments</b>	<p>Sweden has recently emphasized the need to (i) improve the information for persons selected for resettlement and (ii) to increase the participation of resettled persons in resettlement procedures and activities (i.e. develop methods that will allow this).<sup>37</sup></p>
<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b>	<p>People who are resettled to Sweden are not automatically granted refugee status. Those who are resettled are either <i>Convention refugees</i> or <i>persons in need of subsidiary protection</i>. Refugees have a somewhat stronger legal standing, e.g. they can apply for Swedish citizenship after 4 years' stay in Sweden, while others have to wait for 5 years. Persons in need of protection and refugees also have different eligibility for passport documentation, support for family reunification and pensions.<sup>38</sup> However, both these categories are granted a permanent residence permit before arriving in Sweden<sup>39</sup>. The decision on status is based on either interview during selection mission or on a UNHCR dossier.</p>
<b>Rights granted</b> <i>Residence</i>	<p>Residence permit granted.</p> <p>The system of refugee reception is based on the voluntary participation of the majority of municipalities in Sweden.</p>

<sup>35</sup> Migration Board, "Resettlement to another life" (Vidarebosättning till ett annat liv), Thematic Report 3:2010: <http://www.migrationsverket.se/info/495.html>

<sup>36</sup> Ibidem

<sup>37</sup> ERF. Multiannual programme: Sweden (2008–2013). Annex I. # 111-2008-1744. [www.migrationsverket.se](http://www.migrationsverket.se)

<sup>38</sup> Migration Board webpage "To Sweden as a quota refugee" at: [http://www.migrationsverket.se/info/601\\_en.html](http://www.migrationsverket.se/info/601_en.html)

<sup>39</sup> Interview with the Swedish Migration Board, 2 March 2012.

<i>Airport Arrival</i>	Refugees are received by Swedish Migration Board Staff and Staff from the receiving municipality at the airport and transferred directly to respective municipalities.
<i>Info upon arrival</i>	The municipality is required to provide an individual introduction programme for each refugee resettled (This applies to all refugees and immigrants). The Introduction program is drawn up in close cooperation with the individual concerned, and the Swedish Public Employment Service.
<i>Preparing local community</i>	Before the arrival the receiving municipality normally holds information meetings with the support of NGOs and Churches.
<i>Developing Integration Programme (Housing, health, education)</i>	<p>A residence permit gives the right to childcare, education, healthcare, social security, etc. to the resettled person. The resettled persons also have the same obligations as all people who live in Sweden, e.g. to try to work and support themselves, ensuring that children arrive at school and complying with laws. Like other immigrants, quota refugees are allowed to vote in county and municipal elections after three years in Sweden.<sup>40</sup></p> <p>A resettled person receives accommodation, as well as financial support from the state during the first two years (provided they follow the established plan they agreed upon with the Employment Service). During that time, they are given language courses, information about society and help to find a job.<sup>41</sup></p>
<i>Cultural orientation</i>	The Migration Board is responsible for the cultural orientation and pre-departure preparations. The programmes are carried out by Board officers together with officials from some of the receiving municipalities. Recently, the Employment Service has also started to participate in the orientation. <sup>42</sup>
<i>Counselling</i>	Part of the introduction programme. In some municipalities, NGOs and Churches provide supplementary social and legal counselling.
<i>Language/Skills training</i>	All municipalities ought to offer language training within three months after the individual's arrival in the municipality. All school-age children are entitled to tuition in their native language at school.
<i>Employment</i>	Persons with refugee status or holding a residence permit on similar grounds are permitted to take up employment on equal terms with Swedish citizens. The Swedish Employment Service is responsible for mapping and supporting new arrivals in becoming attractive on the labour market.
<i>Family Reunification</i>	<p>The resettled persons have a right to receive allocations for family reunification. The categories of family members entitled to a residence permit on the grounds of family reunification are the following:<sup>43</sup></p> <ol style="list-style-type: none"> <li>a spouse/cohabiting partner of someone who is either resident in Sweden, or has been granted a residence permit to settle in Sweden;</li> <li>a child who is under the age of 18 and unmarried, if the child has a parent who is resident in or has been granted a residence permit to settle in Sweden, alternatively, has a parent who is married to or a cohabiting partner with a person resident in Sweden or granted a residence permit.</li> </ol>

<sup>40</sup> Migration Board website: <http://www.migrationsverket.se/info/601.html>

<sup>41</sup> Ibid.

<sup>42</sup> Migration Board. Guidelines for participation in Sweden Program. (Riktlinjer för medverkan i Sverigeprogram). 2011-12-06.  
[www.migrationsverket.se/download/18.46b604a812cbcd7dba800022610/Riktlinjer+f%C3%B6r+medverkande+i+Sverigeprogram+2011-2.doc](http://www.migrationsverket.se/download/18.46b604a812cbcd7dba800022610/Riktlinjer+f%C3%B6r+medverkande+i+Sverigeprogram+2011-2.doc)

<sup>43</sup> UNHCR Resettlement Handbook, Country Chapter: Sweden, July 2011.

<p><i>Advice of Accessing Services</i></p> <p><i>Mentoring</i></p> <p><i>Training of local service providers</i></p> <p><i>Volunteer support</i></p>	<p>Furthermore, a residence permit is given to an alien who is a parent of an unmarried alien child under the age of 18 who is a refugee or a person otherwise in need of protection, if the child arrived in Sweden separately from both parents or from another adult who may be regarded as having taken the place of the parents, or if the child has been left unaccompanied after arrival.</p> <p>A close relative outside the immediate circle of the nuclear family may be given residence permit if he or she was a member of the same household as the relative in Sweden.</p> <p>Included in the introduction programme.</p> <p>In some municipalities.</p> <p>No formalised training for local service providers in the whole country, but in many places local municipalities started to organise cultural training programmes for the service providers.</p> <p>In many part of Sweden, local NGOs and Churches organise volunteer support for refugees.</p>
<p><b>Comments</b></p>	<p>There is a strong tradition of municipal responsibility for refugee reception in Sweden and municipal refugee coordinators organise a large number of initiatives to support newly arrived refugees. This strong municipal responsibility, together with the central government's responsibility in the area of integration, has tended to limit the involvement of the civil society, such as NGOs and Churches.</p> <p>NGOs currently have a limited role in relation to resettlement in Sweden, but could play a more active role with regard to advocacy, reception and first phases of integration.</p> <p>NGOs conduct alternative or supplementary initiatives for newly arrived refugees. Swedish NGOs would like to get more involved in the resettlement process particularly in the pre- and post- cultural orientation programs. In order to better facilitate integration.</p> <p>Resettlement provides the opportunity to meet and prepare the refugees for their encounter with the new society before arrival. Potentially the opportunity exists to impart a sense of security and understanding to the refugees, and to ensure that reception can be adjusted to individual needs. In order to assume responsibility and make active choices, the refugee must have access to knowledge and an understanding of what resettlement entails for themselves and for their families. By discussing the impact and consequences of resettlement with those selected, the refugees are not only given the opportunity to change their mind, but to start the transformation from the place where they have lived to their new and unknown future. This implies both mental preparation and practical issues. NGOs can and should play a crucial role in this process.</p> <p>The expression “managing of expectations” has turned up in all interviews with stakeholders. This concept sums up the need to prevent unrealistic expectations connected to resettlement, which may cause problems after arrival. False expectations may be due to inadequate knowledge or the spreading of rumours and misconceptions and may result in disappointments that could block the refugees’ capacity to learn and participate in their introduction programs. This in turn can create problems both for the individual and the receiving community. The catch-phrase “managing expectations”</p>



	applies not only to refugees but also to the receiving society. Host municipalities need to know about the individuals and groups they encounter, about their situation prior to arrival, and about the information that refugees have received before arriving.
<b>c) Costs and Funding</b>	
<b>Funding</b>  National budget: The Swedish parliament allots funds to the resettlement yearly.          ERF contribution	<p>Each year, the Swedish parliament (Riksdag) allocates funds to resettlement of refugees to Sweden. Thereafter, the Ministry of Justice (Justitiedepartementet) issues the general guidelines for the Swedish resettlement programme, which have to be approved by the parliament.<sup>44</sup></p> <p>The total resettlement budget for 2012 is SEK 391,590,000.<sup>45</sup> The cost of each resettled person grew with about 700 SEK in 2010 with respect to 2009 and fewer people were resettled in 2010 compared to 2009. The cost increase was a result of difficulties in obtaining exit permits and the cancellation of flights.<sup>46</sup></p> <p>The Migration Board distributes financial resources to the municipalities who are then responsible for the organisation and implementation of introduction programmes. Once the quota refugees have arrived, the municipality is fully responsible for their resettlement and integration.</p> <p>Total resettlement budget 2012<sup>47</sup>:</p> <p>SEK 391,590,000</p> <p>n/a</p>
<b>Costs</b>	<p>Budget lines 2012:</p> <ol style="list-style-type: none"> <li>1. SEK 375,440,000 (SEK 197,600 per refugee*1,900 quota persons) for flat-rate payments to municipalities.<sup>48</sup> The Migration Board distributes financial resources to the municipalities, who are then responsible for the organisation and implementation of introduction programmes;</li> <li>2. SEK 16,150,000 for (i) travel and travel-related expenses for resettled persons; (ii) pre-departure information and preparatory work for the resettled; and (iii) travel, subsistence and other expenses for the personnel involved in resettlement missions.<sup>49</sup></li> </ol>

<sup>44</sup> UNHCR Resettlement Handbook, Country Chapter: Sweden, July 2011.

<sup>45</sup> "Spending authorization<sup>45</sup> for year 2012 regarding the Migration Board", (Regleringsbrev för budgetåret 2012 avseende Migrationsverket). Ministry of Justice, dated 2011-12-22: <http://www.esv.se/Verktyg--stod/Statsliggaren/Regleringsbrev/?RBID=13902>

<sup>46</sup> Government's budget bill for 2012 (2011/12:1), budget category 8: migration, Förslag till statens budget för 2012: [data.riksdagen.se/fil/230a145e-a40b-4cca-808b-c5be4360e4fd](http://data.riksdagen.se/fil/230a145e-a40b-4cca-808b-c5be4360e4fd)

<sup>47</sup> "Spending authorization<sup>47</sup> for year 2012 regarding the Migration Board", (Regleringsbrev för budgetåret 2012 avseende Migrationsverket). Ministry of Justice, dated 2011-12-22: <http://www.esv.se/Verktyg--stod/Statsliggaren/Regleringsbrev/?RBID=13902>

<sup>48</sup> Ibidem.

<sup>49</sup> Ibidem.



	<p>The amount per refugee may vary on the basis of refugee category. In 2009, municipalities received a state grant of SEK 189.400 (around EUR 17.200) for each adult refugee, SEK 116.300 (around EUR 10.550) for a refugee child (under the age of 16) and SEK 69.900 (EUR 6.450) for adults 65 and older, for the entire introductory period.<sup>50</sup></p> <p>The Migration Board has a resource efficient administration of the resettlement process with just a handful of employees. Other Board departments lend their employees to the selection missions abroad.<sup>51</sup></p>
<b>Comments</b>	<p>There is a need for a continuing awareness of resettlement issues in all resettlement countries including Sweden.</p> <p>There is wide support of the principle of accepting resettlement cases and they are even portrayed by anti-immigrant political groupings as the really “genuine” refugees. Spontaneous asylum-seekers are often portrayed as bogus refugees in these circles, which would probably wish a refugee policy to be fully oriented towards reception of resettlement cases. All the interviewed NGOs voiced concern regarding how resettlement of refugees can be used by anti-immigrant groups against the spontaneous asylum.</p> <p>The European Refugee Fund has been used in Sweden to operate a <i>Swedish Resettlement Network</i>, aimed at a collaboration among the Swedish Migration Board, municipalities, county administrative boards and NGOs. This network focuses on the dissemination of knowledge and the exchange of experiences through seminars, newsletters and lobbying work.</p>

<sup>50</sup> International Catholic Migration Commission (ICMC). Welcome to Europe! A Guide to Resettlement: A Comparative Review of Resettlement in Europe.

<sup>51</sup> Migration Board presentation at the seminar “Sweden’s refugee quota” in Haparanda, dated April 2009

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***The Netherlands***

Report written by

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**Jasminka Rogic (ECRE)**

**and reviewed by the Know Reset team**

July, 2013

### Country Profile: The Netherlands

In October 2010 a new government was elected after a political crisis that saw several Ministers resign. This election race resulted in a renewed discussion on migration and asylum policy and in particular, it led to strengthened measures to curb immigration and asylum and to promote integration.

Between 2003 and 2007 the Netherlands saw a decrease in immigration. The reasons lay mostly in a decrease in work opportunities, a decline in the number of asylum seekers and a decrease in the number of Turkish and Moroccan immigrants, probably caused by strengthened conditions for family reunification. Immigration subsequently rose again, growing from 101,000 in 2006 to 154,000 in 2010. This was largely due to increasing numbers of migrant workers from within the EU and from Asia. Asylum applications rose slightly in the period 2005-2009, and in 2008/2009 an increase could be observed in asylum seekers from Somalia in particular, due to the categorical protection policy in place concerning Southern Somalia.<sup>1</sup>

The 2010 Rutte-Verhagen Government Agreement established a more restrictive immigration and asylum policy framework. In practice the current government is indeed placing a more pronounced emphasis on effective integration and participation in society, which can also be observed in its selection of refugees eligible for resettlement. All migrants would be expected to “actively participate in society” through the knowledge of the Dutch language, in education and at work. Furthermore the government felt that the examination requirements in the integration law should be raised.

In terms of asylum policy the 2010 Agreement stated a preference for the reception of asylum seekers in the country or region of origin. Categorized protection (i.e. for asylum seekers from Iraq, Somalia) was terminated including its legal basis. In September 2011 the Cabinet approved five proposals made by the Minister for Immigration and Asylum Policy (Gerd Leers), aimed at achieving the more restrictive asylum and migration policy framework set out in the Government Agreement.

This collection of measures is designed to achieve a more selective approach toward migration and the harmonisation of asylum grounds. The Modern Migration Policy Bill was adopted on the 7<sup>th</sup> of July 2010, and was meant to come into force on the 1<sup>st</sup> of January 2011. The government has stated that the starting point for this modern asylum policy is “selectivity”, with the policy being favourable to those migrants who are economically required and who are held to have made valuable contributions to make to the Dutch economy or its culture. Since the 1<sup>st</sup> of July 2010 a new asylum procedure has been in place. The aim of the new procedure is to achieve a faster and more careful completion of asylum applications.

The Netherlands has taken part in the resettlement of refugees for almost 40 years. A resettlement programme has been in place since 1977. A specific quota appeared in 1984, which was increased from 250 to maximum 500 resettled refugees per year from 1987.

This number remains unaffected, with the current quota being set at 2000 resettled refugees for a four-year period. Selection of refugees takes place both through selection missions and dossier selection. The criteria for selection are generally consistent with those set down in article 29 of the Aliens Act, while medical cases are also included. Furthermore the prospect of integration into Dutch society of the particular refugee also plays a role in the selection process.

A new decentralized system for the reception of resettled refugees in the Netherlands became operational in 2011. Refugees are now placed with various municipalities across the Netherlands immediately upon their arrival without an initial reception centre as had been the case in the pre-2011 centralized reception system. Local authorities have taken over from the Central Organisation for the Reception of Asylum Seekers (COA) the responsibility for meeting the reception and integration needs of resettled refugees.

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<sup>1</sup> <http://www.nationaalkompas.nl/bevolking/migratie/verleden/>

Asylum Profile	
<p><u><a href="#">Number of protection status granted</a></u><sup>2</sup></p> <p>Number of asylum seekers<sup>3</sup></p> <p>Resettlement Scheme</p> <p>Resettlement Quota</p>	<p><b>6,828</b> (2011)</p> <ul style="list-style-type: none"> <li>• 712 Refugee Status Granted</li> <li>• 6,116 Other Protection</li> </ul> <p><b>8,003</b> (2010)</p> <ul style="list-style-type: none"> <li>• 812 Humanitarian Protection</li> <li>• 7,191 Refugee Status Granted</li> </ul> <p><b>14,631</b> (2011)</p> <p><b>15,148</b> (2010)</p> <p>Programme-Based (since 1984)</p> <p>2000/4 years</p>
I. Legal and Administrative Framework	
<p><b>Asylum law / Aliens Act</b></p> <p><u><a href="#">Aliens Act 2000</a></u> (Vreemdelingenwet 2000)</p>	<p>No specific provisions concerning resettlement.</p>
<p><b>Other basis of resettlement:</b></p> <p><u><a href="#">Decree of the Minister of Justice of 24 June 2010</a></u>, number WBV 2010/10, amending Vreemdelingen circulaire 2000, (under CY: 2.1.4. "Invited Refugees")<sup>4</sup></p> <p><u><a href="#">Decree of 19 May 2000</a></u>, concerning the transfer of responsibility for the quota policy for invited refugees<sup>5</sup></p> <p><u><a href="#">Letter of the Minister for Immigration and Asylum</a></u> (19637, nr. 1390), 10 January 2011<sup>6</sup></p> <p><u><a href="#">Decision 07/02/2012</a></u>, Policy Framework Resettlement 2012-2015<sup>7</sup></p>	<p>Sets out Dutch resettlement policy, including quota, selection procedure, arrival and status given to resettled refugees.</p> <p>Transfers responsibility for resettled refugees to the Minister of Justice</p> <p>Sets out changes in the reception policy for resettled refugees. Resettled refugees will henceforth be placed directly in the municipalities and will no longer initially be placed in the central reception centre in Amersfoort.</p> <p>The quota is established on a 4-yearly basis by the Minister for Immigration, Integration and Asylum. The quota of 2000 resettled refugees will be maintained for the period 2012 – 2015. Of these 400 will be selected through selection missions and 100 will be selected through individual UNHCR dossiers.</p>
<p><b>On-going or foreseeable project/reform</b></p>	<p>The Netherlands will continue to participate in resettlement, the quota for 2012-2015 has maintained the same number as in 2008-2011. An expansion of the current quota is unlikely to take place in the foreseeable future.</p>

<sup>2</sup> Source: IND Information and Analysis Center (INDIAC), Immigration and Naturalisation Service.

<sup>3</sup> Ibid.

<sup>4</sup> <https://zoek.officielebekendmakingen.nl/stcrt-2010-10228.html>

<sup>5</sup> [http://wetten.overheid.nl/BWBR0011364/geldigheidsdatum\\_07-12-2009](http://wetten.overheid.nl/BWBR0011364/geldigheidsdatum_07-12-2009)

<sup>6</sup> <https://zoek.officielebekendmakingen.nl/kst-19637-1390.html>

<sup>7</sup> <http://tinyurl.com/78hvzz7>

<b>II. Resettlement Policy and Related Involvements</b>	
<b>a) On an ad hoc basis</b>	/
<b>b) <u>On a programme basis</u></b> 1977 – 1980 Since 1984 onwards  1987 - 1998  1999 - 2007  2008 – 2011  2012 - 2015	750 invited refugees and asylum seekers/year (approximately 200 asylum seekers expected and 550 refugees to be invited). 250 refugees/year Subquotas: Contingents: 200 (big groups from refugee camps) Disabled persons: 40 Single persons in emergency situations: 10  Quota increased to 500 refugees/year Subquotas: Contingents: 200 Disabled persons: 40 Single persons in emergency situations: 10  Quota: Three-yearly quota of 1500 refugees (approximately 500 per year) Subquotas: Contingents and family reunification: 1200 Disabled persons: 240 Single persons in emergency situations: 60  Quota: Four-yearly quota of 2000 refugees Subquota: 30 medical cases Refugees with medical needs and women at risk are resettled through the 'Twenty or More' programme.  Quota: Four-yearly quota of 2000 refugees
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>  1999	4,062 ethnic Albanian refugees from Kosovo evacuated from camps in Macedonia. <sup>8</sup>
<b>d) Through other Projects</b>  Governmental Level “Temporary Desk for Iraq” (2009)  Mission with Belgium and Luxembourg (2008)  Durable Solutions in Practice” (2007/2008) – Belgium, Czech Republic, Romania	Joint selection mission to Syria with Belgium in May 2009. Five representatives from the Belgian CGRS and FEDASIL joined the Dutch delegation. The mission was organised jointly between the Netherlands and Belgium. A Dutch medic was responsible for the medical examination of refugees that were being resettled in Belgium. In October 2009, representatives from Bulgaria and Slovakia participated in a Dutch mission to Syria as observers.  Selection mission to Thailand. Belgium and Luxembourg were invited to join the Netherlands on this mission in order to promote resettlement.  Dutch selection mission to Thailand (with Belgium and Czech Republic, 2007) and Jordan (with Romania, 2008). Delegations from the three countries joined the mission in order to watch and learn from the Dutch selection missions. In the framework of “Durable Solutions in Practice”, representatives from Belgium, the Czech Republic and Romania also visited the Netherlands, where they were given a general overview of Dutch resettlement policy, including quota and reception.

<sup>8</sup> <http://www.unhcr.org/refworld/country,,USCRI,,NLD,,3ae6a8cf4c,0.html>

Non-Governmental Level	<p>Transnational projects in which the Dutch Council for Refugees (DCfR) is participating include 'Practical Cooperation for a European Resettlement Network', ICMC Europe; ASPIRE project CCME (Assessing and Strengthening Participation in Refugee Resettlement to Europe); 'Promotion of resettlement in the EU through practical cooperation by EU Member States and other stakeholders' and 'Linking-In EU resettlement', both were IOM, UNHCR and ICMC projects.</p> <p>University Assistance Fund (UAF) has recently implemented a three-year pilot project 'Resettlement of Refugee Students', funded by the national ERF programme, in partnership with the COA, Dutch Council for Refugees, the UNHCR Bureau for Europe, and the Resettlement Unit at the Immigration and Naturalisation Department (IND) of the Dutch Ministry of Internal and Kingdom Affairs. The objective of this project was to develop and test new approaches towards the integration of resettled refugee students and develop a methodology for the integration of refugee students. That methodology would be developed on the basis of the experience of a pilot group of sixty resettled refugees arriving to the Netherlands from 2009. UAF was in discussion with the IND on possibilities to establish a private-public sponsorship scheme for resettled refugees (inspired by the Canadian refugee sponsorship programme by the World University Service), and increase the quota, but due to the change of Government in early 2011, this was put on hold. The UAF also started to engage with the ECRE core group on resettlement.</p>
<p><b>e) "Resettlement-like" experience</b></p> <p>From Guantanamo</p> <p>Intra-EU "Relocation"</p>	<p>The Netherlands accepted ex-detainee Shamil Khazhiev in 2007. He sought political asylum in the Netherlands after having been transferred back to Russia where he suffered harassment and abuse.</p> <p>Spain 2006: a Spanish boat picked up 51 migrants who were at sea between Libya and Malta in July 2006. The Dutch resettlement quota is generally not used for intra-Community transfer of refugees from other EU countries, but in this case an emergency acute humanitarian situation existed and the Netherlands decided to accept 5 refugees for resettlement.</p> <p>Malta 2005: Under a burden-sharing agreement between the Netherlands and Malta, the Netherlands accepted 36 African refugees from Malta.</p>
<h3>III. Resettlement Implementation</h3>	
<p><u>Refugees resettled</u></p> <p>2011</p> <p>2010</p>	<p><b>556</b></p> <p><u>Country of Origin:</u> 2 Afghanistan, 97 Bhutan, 28 DR of Congo, 68 Eritrea, 64 Ethiopia, 74 Iraq, 126 Myanmar, 5 Somalia, 8 Sudan, 84 Other.</p> <p><u>Special Categories:</u> 47 Medical cases, 53 Woman-at-risk, 10 Unaccompanied minors, 43 Emergency Case.</p> <p><u>Sub-Quota:</u> 481 Selected mission, 69 Dossier selection, 6 Family reunion.</p> <p><b>484</b></p> <p><u>Country of Origin:</u> 7 Afghanistan, 108 Bhutan, 12 DR of Congo, 69 Eritrea, 29 Ethiopia, 90 Iraq, 53 Myanmar, 1 Somalia, 115 Other.</p> <p><u>Special Categories:</u> 73 Medical cases, 49 Woman-at-risk, 2 Unaccompanied minors, 2 Regional protection program, 55 Emergency Case.</p>

<p>2009</p> <p>2008</p>	<p><u>Sub-Quota:</u> <b>338</b> Selected mission, <b>133</b> Dossier selection, <b>13</b> Family reunion.</p> <p><b>401</b></p> <p><u>Country of Origin:</u> <b>8</b> Afghanistan, <b>2</b> Bhutan, <b>1</b> Burundi, <b>4</b> Colombia, <b>13</b> DR of Congo, <b>20</b> Eritrea, <b>50</b> Ethiopia, <b>142</b> Iraq, <b>17</b> Somalia, <b>9</b> Sudan, <b>135</b> Other.</p> <p><u>Special Categories:</u> <b>62</b> Medical cases, <b>103</b> Women-at-risk, <b>8</b> Unaccompanied minors, <b>6</b> Regional protection program, <b>18</b> Emergency Case.</p> <p><u>Sub-Quota:</u> <b>286</b> Selected mission, <b>96</b> Dossier selection, <b>19</b> Family reunion.</p> <p><b>544</b></p> <p><u>Country of Origin:</u> <b>111</b> Bhutan, <b>33</b> Burundi, <b>11</b> Colombia, <b>69</b> DR of Congo, <b>20</b> Eritrea, <b>7</b> Ethiopia, <b>144</b> Iraq, <b>1</b> Somalia, <b>148</b> Other.</p> <p><u>Special Categories:</u> <b>68</b> Medical cases, <b>115</b> Women-at-risk, <b>3</b> Unaccompanied minors, <b>79</b> Regional protection program, <b>56</b> Emergency Case.</p> <p><u>Sub-Quota:</u> <b>347</b> Selected mission, <b>184</b> Dossier selection, <b>13</b> Family reunion.</p>
<p><b>a) Selection Criteria and Process – Pre-Arrival Phase</b></p>	
<p><b>Selection criteria<sup>9</sup></b></p> <ul style="list-style-type: none"> <li>• UNHCR Criteria</li> <li>• Additional National Criteria</li> </ul>	<p>Selection takes place based on recommendations by UNHCR. If UNHCR recommends an alien who is registered as a refugee for resettlement in the Netherlands, the Minister will decide if the alien is eligible for residence in the Netherlands. The decision will be taken after consultation with the Minister for Foreign Affairs and based on the file and the current asylum policy.</p> <p>All individuals will be assessed according to the UNHCR dossier (including protection need) and country-specific asylum policy of the Netherlands. This covers the Refugee Convention, including article 1 F, the Aliens Act art 29(1)(a) and individual protection grounds art 29(1)(c)(b), the general official communications of the Minister of Foreign Affairs and asylum policy concerning the country of origin of the refugee.</p> <p>More emphasis will be placed on integration aspects of the resettlement process than previously. This means that after assessment according to art 29, the integration perspective will be investigated as a basis for denial of the dossier. The dossier may be denied on this ground where there are indications that integration of the relevant person in the Netherlands would be difficult or undesirable.</p> <p>The Netherlands like a balanced caseload and have asked UNHCR to submit more high or higher profile refugees such as journalists or human rights activists or persons who have an academic background who have played an active social role.</p>

<sup>9</sup> <https://zoek.officielebekendmakingen.nl/stcrt-2010-10228.html>



<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Dossiers</li> <li>• Missions</li> </ul>	<p>n/a</p> <p>Ministry of the Interior and Kingdom Relations, Ministry of Foreign Affairs, Resettlement Unit of the Immigration and Naturalisation Department (IND), and the Central Agency for the Reception of Asylum Seekers (COA)</p> <p>Resettlement policy 2012-2015: approximately 400 refugees will be selected annually through selection missions and approximately 100 through individual UNHCR dossier selections.</p> <p>Dossier selection &amp; in-country selection (maximum four missions) based on recommendations by UNHCR.</p> <p>Selection missions are organised by the IND. Delegation consists of representatives from the IND and the COA, and can also include representatives from the Ministry of Foreign Affairs (MFA) and INS medical doctors.</p> <p>Refugees recommended by UNHCR are interviewed by the IND. MFA is responsible for the registration of personal details and family relations. IND makes final decisions on refugees to be resettled. The decision is not subject to appeal. At the end of a mission, the head of the delegation reports the results to the local UNHCR representative. UNHCR communicates the decisions to the refugees concerned.</p> <p>Medical cases are normally submitted during selection missions although urgent medical cases can be submitted on a dossier basis.</p> <p>The choice of mission destinations is established according to, amongst other things, relevant developments in the multilateral framework. This includes the priorities set by UNHCR to solve long-term refugee situations, priorities concerning the urban refugee situations and policy developments relating to priority areas for resettlement in the Annual Tripartite Consultations on Resettlement and the Working Group on Resettlement. The choice for destinations also forms part of the general migration policy, which seeks links insofar as possible in the broader bilateral cooperation with countries of origin amongst others for the promotion of return. Resettlement is also seen as part of the policy as laid down in the Government Agreement to strengthen refugee protection in the regions of origin. Relevant developments at EU level in the field of resettlement are also taken into account. Lastly, operational issues and interests are also relevant in the selection of mission destinations, including the security situation in the country of first asylum and the safety of the staff that are to take part in the mission.</p> <p>Selection missions were temporarily suspended from 1999 onwards. These were resumed in 2005, as it had proved difficult to fulfil the quota solely through dossier selection. The large number of rejections was based amongst others on a lack of information provided by UNHCR in the dossiers a lack of direct contact between UNHCR field officer and those assessing the dossiers in the Netherlands. As a result of this failure to fulfil the quota, the Government decided to take a more pro-active approach and make use of selection missions again. It was thought that the use of selection missions would enhance the gathering of necessary and relevant information for a large group of people at once, instead of the previous practice that made it difficult to establish a good picture of an individual resettlement dossier. Furthermore, it was argued that the use of missions would place the Netherlands more in line with the approach of European partners. Lastly, selection missions were thought to contribute to the government policy concerning protection in the region, as it would be unacceptable for the Netherlands to ask countries in the regions of origin</p>
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## KNOW RESET Country Profile: The Netherlands

	to provide better protection to refugees if the Netherlands itself was unable to maintain its resettlement programme. In the meantime, selection through dossiers was also maintained to establish an optimal use of the quota and to enhance flexibility <sup>10</sup> .
<b>Pre-Departure Activities</b> <ul style="list-style-type: none"> <li>Cultural orientation (CO)</li> <li>Assistance with travel documents</li> <li>Medical screening</li> </ul>	<p>IOM Netherlands initiated in 2010 the NLCO project (Dutch Cultural Orientation Programme) aimed at providing pre-departure cultural orientation training to refugees selected on dossier basis. Under the NLCO II, the CO trainings have been extended to four days. Within the framework of the NLCO project, IOM conducts also social intakes to gather a profile of refugees (for example, education background, expectations, language abilities etc.), which is shared with the municipalities in advance of refugees' arrival.</p> <p>Other CO training sessions are offered by COA. Since the introduction of a decentralised system for the reception of resettled refugees in 2011, all CO training sessions take place in the pre-departure stage. The frequency and duration of CO trainings have also been extended; there are three trainings.</p> <p>The sessions are spread over the period between time of selection and time of arrival in the Netherlands, which is normally about 6 months.</p> <p>Contents of CO training sessions: elementary Dutch language skills; information about Dutch society; information about the municipality where the refugees are going; and the future accommodation of the refugee.</p> <p>IOM NL</p> <p>Medical checks are performed by medical doctors from the IND Medical Advice Bureau (BMA).</p>
<b>Procedure Timing</b>	<p>For dossier submissions, it takes about six weeks to two months to make a decision.</p> <p>The 2011 resettled refugees were placed directly in the municipalities. This took place within 6 months or, in emergency cases, within 3 months. Resettled refugees receive their residence documents immediately after arrival. The COA then transfers refugees to the municipalities where the resettled refugees will be housed.<sup>11</sup></p>
<b>Comments</b>	Capacity building is needed for municipalities in the light of the new reception model that made municipalities responsible for the reception and integration of resettled refugees.
<b>b) Status and Rights – Post-Arrival phase</b>	
<b>Status granted</b> <a href="#">Decree of the Minister of Justice of 24 June 2010</a> , number WBV 2010/10 concerning the amendment of the Vreemdelingen-circulaire	<p>Residence permit asylum (refugee status – same rights as refugees in the Netherlands): “After arrival in the Netherlands, the alien will be given the option to apply for asylum. The alien will subsequently be given an asylum residence permit for a specified period of time as soon as possible on grounds of article 29, first section, subsection a.”</p>

<sup>10</sup> Vluchtelingenbeleid, Brief van de Minister voor Vreemdelingen-zaken en Integratie, 2 Juli 2004, 19 637 / Nr. 841 <https://zoek.officielebekendmakingen.nl/kst-19637-841.pdf>

<sup>11</sup> <https://zoek.officielebekendmakingen.nl/kst-19637-1390.html>

<p>2000, 2.1.4. "Invited Refugees"<sup>12</sup></p>	<p>Resettled refugees are granted refugee status and a temporary residence permit for asylum, which is valid for five years. After five years they may apply for a permanent residence permit.</p>
<p><b>Rights granted</b></p> <p><i>Residence</i></p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p> <p><i>Preparing local community</i></p> <p><i>Developing Integration Programme (Housing, health, education)</i></p> <p><i>Cultural orientation</i></p> <p><i>Counselling</i></p> <p><i>Language/Skills training</i></p>	<p>Residence permit is granted immediately on arrival.</p> <p>Refugees stay for the first 48 hours at an airport facility during which time they are guided by COA.</p> <p>The DCfR is sometimes present for individuals arriving for family reunification. The IOM offers practical assistance.</p> <p>In the municipalities information is provided by mostly DCfR or another organisation that provides social guidance.</p> <p>This is mainly done by means of information provision through local media in advance of refugees' arrival to a municipality. DCfR (together with the municipality) also informs the relevant stakeholders (like schools, family doctors, social services, etc)</p> <p>All municipalities are obliged to provide housing to resettled refugees and are responsible (since 2011) for the reception and integration of resettled refugees.</p> <p>Municipalities can put a number of integration support services out to public tender.</p> <p>Part of the integration programme consists of the social guidance programme, which is implemented in the vast majority of cases by the volunteers of local DCfR offices that are contracted by municipalities to implement the programme. There is a countrywide network of over 6,000 volunteers.</p> <p>Social guidance is concerned with assisting refugees with many practical aspects of life in a new country including help to create social networks and accessing mainstream services (education, employment, health care). In general, social guidance supports the process of refugees' integration.</p> <p>During the integration programme (in general one to two years' duration), refugees are entitled to social security allowance. Refugees have to pass the integration exam within three and a half years.</p> <p>Cultural orientation is part of the above described integration programme.</p> <p>Psycho-social counselling can be arranged by municipalities, often in cooperation with DCfR and the NGO Pharos.</p> <p>All refugees (and most non-EU nationals) are obliged to pass an integration exam. Municipalities are obliged to offer refugees a civic integration programme, consisting of Dutch language courses, knowledge of Dutch society and vocational training, offered by a municipality (through service contracts). Municipalities are encouraged to offer dual programmes, combination of education and work. Alternatively, an intensive Dutch language course at an educational institute can be offered, particularly for refugees who wish to access higher education studies. UAF cooperates with municipalities with regard to negotiating joint arrangements for refugees' education pathways.</p> <p>Municipalities' civic integration programme is complemented by DCfR volunteer (home) language coaches who offer additional language training for refugees.</p>

<sup>12</sup> <https://zoek.officielebekendmakingen.nl/stcrt-2010-10228.html>

<p><i>Employment</i></p> <p><i>Family Reunification</i></p> <p><i>Advice of Accessing Services</i></p> <p><i>Mentoring</i></p> <p><i>Training of local service providers</i></p> <p><i>Volunteer support</i></p> <p><i>Housing</i></p>	<p>The municipalities are responsible for employment, but specialised assistance can be provided by DCfR and UAF.</p> <p>This is subject to an application, which has to be introduced within three months. For the purposes of family reunion, spouses and minor children (under 18) are considered family members. After three months, family reunion can still be considered but not within the resettlement quota. In this case, the regular Dutch criteria for family reunification applies. Family reunification with non-marital partners or adult children is also possible, but only if they are dependants of the person who was granted asylum. For unaccompanied minor refugees, family reunion with parents is possible. In order to be considered for family reunification, family members need to be known to UNHCR at the moment of selection of the main applicant and be included in the original documentation submitted to UNHCR. DCfR assists refugees with family reunion procedures.</p> <p>Provided by DCfR volunteers as part of the social guidance programme.</p> <p>Pharos offers health care information and advisory services to assist care providers, teachers and other professionals who work for and with refugees, asylum seekers, undocumented migrants and other migrants.</p> <p>DCfR and UAF</p> <p>Limited training services by DCfR and UAF. Pharos offers training (health-related) to DCfR volunteers.</p> <p>DCfR</p> <p>Independent housing is provided by municipalities receiving resettled refugees. Housing arrangements are made between COA and municipalities. Refugees cannot choose where they want to live if they wish to make use of social housing.</p>
<p><b>Comments</b></p>	<p>From 2011 onward the municipalities will play a greater role in the reception of resettled refugees as reception in the central reception centre Amersfoort will no longer take place.</p> <p>Integration aspects are more emphasized in the 2012 - 2015 policy framework than before.</p> <p>Changes concerning reception procedure (directly in the municipalities) are in place and had to be evaluated in late 2012 by the WODC (Scientific Research and Documentation Centre – Ministry of Security and Justice).</p> <p><u>Gaps &amp; challenges:</u></p> <ul style="list-style-type: none"> <li>– On the whole, the decentralised reception system introduced last year has necessitated a closer and intensified cooperation between NGOs and municipalities but have also created gaps and new challenges.</li> <li>– Dispersal policy presents an obstacle for an effective transfer of COA and DCfR experiences and best practices in <b>resettlement</b> to the municipalities.</li> <li>– Disparity between refugees' needs and the availability of local facilities to support those needs continues to exist. Although improvements have been observed in this respect, refugees continue to be placed mostly in small towns and villages, which is not conducive to their integration due to the limited facilities to promote integration.</li> <li>– Social guidance of resettled refugees is more intensive than the guidance of other groups of refugees but this is not reflected in the funding that the central government allocates to each municipality receiving resettled refugees. Specialised social guidance of resettled refugees is not available in all municipalities whilst the</li> </ul>

	<p>quality and duration of available guidance varies depending on the level of funding and/or the type of provider that municipalities are free to sub-contract to deliver social support.</p> <ul style="list-style-type: none"> <li>– Implementation of obligatory integration programmes in general varies across municipalities reflecting local governments' own local demands and policy focus resulting in different institutional and administrative structures, and language and civic integration courses provision. This has an effect on the extent to which arrangements can be made for educational and employment paths designed to accommodate refugees' individual needs.</li> <li>– Significant gaps have been identified in the provision of health-related information in both pre-departure and post-arrival phases. In addition, there is the lack of provision of health care services and psycho-social support in the period immediately after refugees' arrival. In the previous centralised reception system, health-related support was organised and immediately available to refugees in the specialised reception centre, but this, as yet, is lacking in the new decentralised reception model.</li> <li>– Refugees are expected to integrate and achieve self-sufficiency quickly; however the current government's policies and inconsistent support services in municipalities are on the whole not satisfactory to ensure more successful outcomes for resettled refugees.</li> <li>– Current political and economic environment in the Netherlands is not favourable to the advocacy of NGOs calling for an expansion of the Dutch resettlement programme.</li> </ul> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> <li>– Multi-stakeholder networks should be established at the local level to deliver joined-up services that meet the reception and integration needs of resettled refugees and the current stakeholder base be widened to include refugee community organisations, local voluntary organisations, medical professionals, mayors of the municipalities which are receiving resettled refugees, local churches and religious communities.</li> <li>– Health-related information provision for refugees during both pre-departure and post-arrival stages needs to improve. Local health care providers need to be informed about specific health and psychosocial needs of resettled refugees and their experiences. Municipalities and NGOs supporting refugees need to establish effective referral routes for primary and preventative healthcare for refugees.</li> <li>– Housing arrangements between the COA and the municipalities receiving resettled refugees should take place in consultations with NGOs and be based on the availability of integration facilities that match specific needs of the individual refugee. Better services could be provided and more involvement of stakeholders could be achieved if resettled refugees would be placed in groups in middle sizes towns.</li> <li>– More effective linkages between different phases of the resettlement process need to be created.</li> <li>– Planning and the quality of integration programmes could be improved by creating awareness about a variety of needs specific to the experiences of resettled refugees.</li> <li>– Resettled refugees' own views and experiences need to be taken into account when planning and implementing integration programmes and resettlement practices in general. It is suggested that current stakeholders consider the potential role that resettled refugees could have in the facilitation of the resettlement process.</li> </ul>
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	<ul style="list-style-type: none"> <li>– Sources of funding for resettlement need to be diversified and there should be an adequate structural base for funding municipalities so that they can allocate sufficient funds to local NGOs or funding for NGOs needs to be allocated directly from the central government to NGOs.</li> <li>– Effectiveness of the extensive pre-departure CO training sessions and the value of large volumes of information in the pre-departure stage need to be reviewed.</li> </ul>
<b>c) Costs and Funding</b>	
<b>Funding</b> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>ERF</i></li> </ul>	<p>The Dutch resettlement programme is financed from the budget of the Ministry of the Interior, including the funds that are available to the Immigration and Naturalisation Service and the Central Body for the Reception of Asylum Seekers.</p> <p>The Netherlands also makes use of the European Refugee Fund's funds available for resettlement.</p> <p>Grant to COA: reception of resettled refugees (2008): €107.852 <sup>13</sup></p>
<b>Costs</b>	<p>COA (Central Body for the Reception of Asylum Seekers) is granted a budget of €250,000/year per resettled refugee by Minister Leers (reception of resettled refugees in the municipalities).</p> <p>The central government has recently made additional funding to municipalities for guidance of resettled refugees but this is currently only a temporary measure covering the period of two years: An additional €2 million was set aside in September 2011 for the municipalities who will be receiving resettled refugees. An additional €1,000 is made available for a minor.</p> <p>Approximately €1,000 will be given to the municipalities per adult refugee for the provision of support. For the first arrivals under the new model (placement directly in the municipalities) a one-time grant of €2,000 per adult and €1,000 per minor is available <sup>14</sup>.</p>
<b>Comments</b>	<p>The Netherlands will maintain the 4-yearly quota of 2000 resettled refugees (500/year) for the foreseeable future.</p> <p>At EU-level the Netherlands supports the proposal for a European resettlement programme emphasizing strategic resettlement. The Netherlands also support an increase of the number of EU-member states participating in the UN resettlement programme and will continue to promote this as it has done in the past. The current government supports the continuance of the resettlement programme and especially the strategic use of resettlement.</p> <p>The public is not very aware about the country's resettlement programme and what resettlement entails. Interviewed actors thought that those who do know about resettlement view it positively. This is in contrast to the public predominantly negative attitudes towards asylum</p>

<sup>13</sup> <http://www.rijksoverheid.nl/documenten-en-publicaties/vergaderstukken/2010/08/03/toegekende-subsidies-europees-vluchtelingenfonds-2008-tot-en-met-2010.html>

<sup>14</sup> [https://docs.google.com/viewer?a=v&q=cache:6v9xRhHyEycJ:www.rijksoverheid.nl/bestanden/documenten-en-publicaties/kamerstukken/2012/03/13/kamerbrief-over-directe-plaatsing-uitgenodigde-vluchtelingen-in-gemeenten/kamerbrief-over-directe-plaatsing-uitgenodigde-vluchtelingen-in-gemeenten.pdf+&hl=en&pid=bl&srcid=ADGEESg03dcKYaK-bv5zmcFtHaJF\\_YZ4LI97Sumwgzb73rQ2PeS90ka1MF4a1CGEqToq9sF\\_Ef--HQFFP1PqThzjGtK4BaQysuGcpRrVpaz5\\_GnnOQSGsRKrd8p-FXibPrr7rDTyo&sig=AHIEtbRnyl3af5i\\_Nuvy6F8tdw0A8eJLMA&pli=1](https://docs.google.com/viewer?a=v&q=cache:6v9xRhHyEycJ:www.rijksoverheid.nl/bestanden/documenten-en-publicaties/kamerstukken/2012/03/13/kamerbrief-over-directe-plaatsing-uitgenodigde-vluchtelingen-in-gemeenten/kamerbrief-over-directe-plaatsing-uitgenodigde-vluchtelingen-in-gemeenten.pdf+&hl=en&pid=bl&srcid=ADGEESg03dcKYaK-bv5zmcFtHaJF_YZ4LI97Sumwgzb73rQ2PeS90ka1MF4a1CGEqToq9sF_Ef--HQFFP1PqThzjGtK4BaQysuGcpRrVpaz5_GnnOQSGsRKrd8p-FXibPrr7rDTyo&sig=AHIEtbRnyl3af5i_Nuvy6F8tdw0A8eJLMA&pli=1)



	<p>and immigration in general. There is no mass media attention on resettlement since the numbers of resettled refugees are low. Media coverage is found primarily in local newspapers and community newsletters when, for instance, a group of resettled refugees arrives to a municipality. Opinions on the role of media differed. Some were of the view that there should be more media attention to inform the public about resettlement and that raising awareness about this group of refugees has the potential to also increase public awareness of refugee issues in general. On the other hand, doubts were raised that more awareness might actually have a negative impact. Non-compulsory programmes, as resettlement is, might be viewed by the public as an economic burden and as a result be affected by the current budget cuts by the Dutch government. Any discussions and media attention on resettlement need to make sure that right messages and information is provided to the general public, making clear distinctions between resettlement (and what exactly it involves) and other mechanisms for the protection of refugees. Both the protection and durable solution aspects of resettlement need to be clearly explained.</p>
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## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***KNOW RESET – Country Profile***

#### ***United Kingdom***

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July, 2013

### Country Profile: UNITED KINGDOM

The UK has been a Member State of the European Union since 1973. It does not participate in the Schengen area and has a flexible opt-in to EU asylum and immigration law and policy. Despite opting into the first round of asylum directives, in recent years, the United Kingdom has favoured practical cooperation as a means of collaborating on asylum matters. With the recent opt out of the recast EU asylum directives, UK officials have expressed a preference for more informal frameworks of information sharing, rejecting new binding legal frameworks. The UK prefers cooperation frameworks, which safeguard its discretion and determine the form and content of its domestic asylum provisions. This may be one reason why the UK is keen on continuing its commitment to resettling refugees.

Between the end of the second World War and 2004, the UK had a variety of commitments in resettlement. The “Ten or More” (T-O-M) Programme set up in the 1970s aimed to annually resettle ten or more disabled refugees or refugees in need of medical attention. During the 1970s, refugees such as the Ugandan Asians, the Chileans and the Vietnamese were protected through *ad hoc*, collective resettlement schemes instigated by a discretionary response from the Home Office. Indeed, for many years, the UK preferred to resettle refugees on an *ad hoc* basis, responding to emergency situations, rather than put in place a formal asylum procedure for spontaneously arriving individuals.

The treatment and reception of the individual, spontaneously arriving, asylum seeker in the 1980s differed from the collective refugee resettlement undertaken in Britain in the 1970s. While the Ugandan Asians, Chileans and Vietnamese had been treated as groups and received into structured programmes set up specifically for them, asylum seekers arriving in the UK in the 1980s had their claims treated on an individual basis and this soon became the norm. Thus, the old ‘quota’ system, where Britain would control the arrival and resettlement of pre-determined refugees on its territory went into decline.

In the 1980s the UK government began to present the increase in number of asylum seekers as ‘a distinct problem requiring resolution by the introduction of new policies to expedite the processing of claims, to prevent and deter people from claiming asylum in the United Kingdom and to ensure that unsuccessful applicants are removed quickly’.<sup>1</sup> In the face of increasing claims, the ‘government has repeatedly sought extensive legislative and rule-making powers in order to manage asylum’.<sup>2</sup>

In 2000, the UK Home Secretary Jack Straw, proposed an EU-wide programme, which would have the capacity to impact on the number of asylum seekers arriving in Europe. In 2002, the UK government published a white paper “Safe Borders, Safe Haven” proposing reforms to the UK’s immigration system. This included provisions to develop a quota resettlement programme in order for vulnerable refugees to have a legal and safe route to the UK avoiding the unacceptable risks involved in travelling with traffickers. Today, the United Kingdom is categorised as a “resettlement country”, operating a resettlement programme, the Gateway Protection Programme (GPP), with an annual resettlement quota, determined each year, of up to 750. The Gateway Protection Programme began in 2004 with Liberians resettled from camps in Sierra Leone who were soon followed by Congolese resettled from camps in Uganda. It initially had a quota of 500 refugees – although in the early years the actual numbers resettled fell short of the quota due to a reluctance amongst Local Authorities to form the local political agreement required for them to sign up to the scheme.

The GPP is entirely separate from the asylum procedure applicable to individuals arriving “spontaneously” and claiming asylum in the UK or at the border. The Programme is run by the UK Border Agency (UKBA) in cooperation with the United Nations High Commissioner for Refugees (UNHCR).

Beside the GPP, the UK operates the Mandate Resettlement Scheme, which allows a number of refugees with a prior personal connection to the UK to enter the country in a resettlement-like way. The Immigration Rules do not provide for the possibility of a person who is overseas to be granted entry to the UK as a refugee. However, for the UK’s Mandate Resettlement Programme, the UK does examine individual applications by refugees to see whether there is a case for admitting such a refugee to the UK outside the Rules.<sup>3</sup>

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<sup>1</sup> R. Thomas, ‘The impact of judicial review on asylum’ *Public Law* 2003, Autumn, p. 483.

<sup>2</sup> Ibid.

<sup>3</sup> UK Border Agency, Asylum Policy Instructions on Mandate refugees, p. 3 Available at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/manadaterefu-gees.pdf?view=Binary>

The legal basis for the funding of these programmes is contained in Section 59 of the Nationality Immigration and Asylum Act 2002.

Refugees selected for the GPP are currently being identified largely from the Regional Protection Programme areas – the majority in the financial year April 2011 to April 2012 being Somalis and Ethiopians resettled from camps in Kenya. This has the impact of directly addressing regions that have the greatest need for resettlement while also attracting a greater degree of funding from the European Refugee Fund at a time when the UK government is implementing austerity programmes in attempt to reduce its budget deficit.

Asylum Profile	
<a href="#"><u>Number of protection status granted<sup>4</sup></u></a>	<p>5,648 (2011)</p> <ul style="list-style-type: none"> <li>• 4,309 (Refugee status)</li> <li>• 1,339 (Other protection status)</li> </ul> <p>5,195 (2010)</p> <ul style="list-style-type: none"> <li>• 3,488 (Refugee status)</li> <li>• 1,707 (Other protection status)</li> </ul>
Number of asylum seekers <sup>5</sup>	<p>19,804 (2011)</p> <p>17,916 (2010)</p>
Resettlement Scheme	Programme-Based (since 2002)
Resettlement Quota	750/year
<i>I. Legal and Administrative Framework</i>	
<p>Asylum law / Aliens Act</p> <p><a href="#"><u>The Nationality, Immigration and Asylum Act 2002</u></a></p>	Section 59 International projects
Other basis of resettlement	No
On-going or foreseeable project/reform	The resettlement programmes run as three year cycles and are determined in connection with the annual fiscal budget. At present, the current government is continuing its resettlement practice in line with established practice and no evolution is planned.
<i>II. Resettlement Policy and Related Involvements</i>	
<p>a) <i>On an ad hoc basis<sup>6</sup></i></p> <p>1940 – 50</p> <p>1957</p> <p>1972-4</p> <p>1973-9</p> <p>1979-92</p> <p>Early 1990s</p> <p>1999</p>	<ul style="list-style-type: none"> <li>• 210,000 Polish Second World War exiles and dependants,</li> <li>• 20,000 Hungarians fleeing Soviet occupation,</li> <li>• 42,000 Ugandan Asians expelled from Uganda,</li> <li>• 3000 Chilean refugees escaping a military coup,</li> <li>• 22,500 Vietnamese displaced persons,</li> <li>• Over 2,500 Bosnians,</li> <li>• Over 4,000 Kosovans, most receiving temporary status.</li> </ul>
<p>b) <a href="#"><u>On a programme basis</u></a></p> <p>2004-2007</p>	Yearly Quota: 500 refugees

<sup>4</sup> Source: UK Border Agency, Home Office.

<sup>5</sup> Ibid.

<sup>6</sup> Available at [http://www.icar.org.uk/briefing\\_resettlement.pdf](http://www.icar.org.uk/briefing_resettlement.pdf)

Since 2007	<p>Yearly Quota: 750 refugees</p> <p>Up to 750 refugees may be resettled under the GPP annually. This quota is set each year by Government ministers, who taking into consideration available resources, the need for resettlement globally and the impact on services at a local level in the UK.<sup>7</sup></p> <p>For the 2011 GPP, regional allocation targets were as follows:</p> <p>Africa: 500 Asia: 100 MENA: 150</p> <p>There are no specific sub-quotas for medical cases, but the UK has asked the UNHCR to submit 3% of such cases. For women at risk, again there is no specific sub-quota, but the UK aims to consider at least 10% of such applications.</p> <p>It is not current UK policy to support resettlement in emergency situations.<sup>8</sup> However, provision was made for up to 40 cases through the ETC in Romania in 2011-2012.</p> <p>There is no specific quota for family reunification, but the dossier-based Mandate Resettlement Programme aims to resettle refugees with close family ties from across the world. There is no upper limit for the Mandate Scheme, but this is a much smaller programme than the Gateway Protection Programme.</p>
<b>c) “Temporary Resettlement”: Humanitarian Evacuation</b>	Not applicable
<p><b>d) Through other Projects</b></p> <p>- Governmental Level</p> <p>2008</p> <p>On-going</p> <p>- Non-Governmental Level</p>	<p>Transnational programme concerning reception and resettlement. UK and Ireland carried out a joint selection mission to Tanzania to select DRC refugees with Belgium (CGRS), Bulgaria and Slovenia as observers.</p> <p>A twinning arrangement with Poland is in its early stages.<sup>9</sup></p> <p>n/a</p>
<p><b>e) “Resettlement-like” experience</b></p> <p>From Guantanamo</p> <p>Intra-EU “Relocation”</p>	<p>n/a</p> <p>In the past, the UK has relocated 10 refugees from Malta. However, at present, the UK coalition government’s policy is not to support relocation of refugees within the EU.</p>
<b>Comments</b>	<p>A consistent problem is that the quota of 750 under the GPP has not been filled. The 750 quota was achieved for the first time in 2011/12.<sup>10</sup></p> <p>The UNHCR considers that a particular strength of the UK’s resettlement programme is that it resettles a large proportion of women at risk, above the number UNHCR suggests, a group that is considered of particular concern by the UK authorities.<sup>11</sup></p>

<sup>7</sup> UK Asylum Policy Instructions on the Gateway Protection Programme (January 2006), p. 2.

<sup>8</sup> Interview with Dave Atkinson, UK Borders Agency, Refugee Team (May 2012).

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Interview with Alexander de Chalus, UNHCR (May 2012).

	Selection of refugees with medical needs is limited, due mainly to the requirement that the relevant local authority cover the costs of services, including healthcare, for the first 12 months.
<b>III. Resettlement Implementation</b>	
<b><u>Refugees resettled</u></b> <sup>12</sup>	
2011	<p><b>432</b></p> <p><u>Country of origin:</u> DR of Congo (119), Ethiopia (145), Iraq (75), Somali (93).</p> <p><u>Country of first asylum:</u> Kenya (197), Rwanda (119), Syria (75), Yemen (41).</p> <p>Gender: Male (195), Female (237).</p> <p>Age: Under 18 (224), Over 18 (208)</p>
2010	<p><b>669</b></p> <p><u>Country of origin:</u> Bhutan (111), Burma-Rohingya (47), DR of Congo (100), Ethiopia (32), Iraq (207), Somali (172).</p> <p><u>Country of first asylum:</u> Bangladesh (47), Jordan (207), Kenya (204), Nepal (111), Uganda (100).</p> <p>Gender: Male (338), Female (331).</p> <p>Age: Under 18 (265), Over 18 (404)</p>
2009	<p><b>857</b></p> <p><u>Country of origin:</u> Burma-Karen (5), Burma-Rohingya (109), DR of Congo (120), Iraq (542), Palestine (81).</p> <p><u>Country of first asylum:</u> Bangladesh (109), Iraq (81), Jordan (517), Syria (25), Tanzania (120), Thailand (5).</p> <p>Gender: Male (432), Female (425).</p> <p>Age: Under 18 (375), Over 18 (482)</p>
2008	<p><b>642</b></p> <p><u>Country of origin:</u> Burma-Karen (29), Burma-Rohingya (34), DR of Congo (141), Ethiopia (202), Iraq (236).</p> <p><u>Country of first asylum:</u> Bangladesh (34), Jordan (224), Kenya (202), Syria (12), Thailand (29), Zambia (141).</p> <p>Gender: Male (301), Female (341).</p> <p>Age: Under 18 (278), Over 18 (364).</p>
<b>a) Selection Criteria and Process – Pre-Arrival Phase</b>	
<p><b>Selection criteria</b></p> <ul style="list-style-type: none"> <li>UNHCR Criteria</li> </ul>	<p>The UK authorities state that selection of refugees to resettle is based initially on UNHCR's annual Projected Global Resettlement Needs. However, UK government departments are consulted and affordability</p>

<sup>12</sup> The following numbers of resettled persons are January to January while the UK records its resettlement quota within the 'Financial Year' which runs from April to April.

<ul style="list-style-type: none"> <li>• Additional National Criteria</li> </ul>	<p>is taken into account. The main target groups are those where UNHCR Priority Need coincides with those countries designated by the EU for the implementation of a Regional Protection Programme (RPP).</p> <p>The UK is also particularly concerned to resettle a number of Women and children at risk as part of each year's quota. A very small number of individuals with intensive medical needs are also considered as a priority.<sup>13</sup></p> <p>Detailed selection criteria pertaining to <b>GPP</b> is found in the asylum policy instructions, which comprise the government's policy on asylum and are to be followed by UKBA case workers. These asylum policy instructions for the GPP have not however been updated since 2006 and are considered by the UNHCR to be outdated. They are produced by the UK, which is responsible for updating them.<sup>14</sup></p> <p>Case owners should generally accept UNHCR's designation of individuals as refugees, unless there are 'good reasons' not to, including where there are 'inconsistencies within the information contained in the UNHCR Resettlement Referral Form (RRF) or between information provided by the applicant and known country information', or where information provided by the application in relation to another of the selection criteria suggests the applicant's account of events is untrue.<sup>15</sup></p> <p>An applicant is to be considered in need of resettlement, according to UNHCR criteria: where his/her 'life, liberty, safety, health or other fundamental human rights are at risk in the country where s/he has sought refuge, or to provide a durable solution if the applicant's situation is not secure in the long term'.<sup>16</sup></p> <p>Where the exclusion provisions of the 1951 Refugee Convention apply to an applicant, s/he is to be excluded from the GPP.<sup>17</sup></p> <p>The spouse or civil partner of a principal applicant and any children under 18 will usually be considered dependants. Unmarried partners may be considered for resettlement where they have been living together as a couple for at least two years or can provide strong evidence that the relationship is genuine, they 'intend to live together permanently', and any previous marriage of either party has 'permanently broken down'.<sup>18</sup> Optional DNA tests may be requested by caseworkers who are in doubt about a relationship between a principal applicant and a child dependant.<sup>19</sup> Non-immediate family members may be considered as dependants where they are part of 'a pre-existing family group'.<sup>20</sup></p> <p>According to the asylum policy instructions, '[r]esettlement should not be offered when, in the opinion of the medical examiner, the individual has a disease or illness, which, for the individual's own health, or for public health reasons, currently precludes travel, or requires treatment before travel'. Further: Resettlement should not be offered to applicants, or dependants, with HIV/AIDS, Multi-Drug-Resistant-TB, or established renal failure without Ministerial consent. Resettlement may not be offered where the applicant, or a dependant, has a different medical condition which constitutes a danger to public health or a disproportionate cost to the GPP. Decisions in these cases</p>
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<sup>13</sup> Interview with Dave Atkinson, op.cit.

<sup>14</sup> Interview with Alexander de Chalus, op.cit.

<sup>15</sup> UK Border Agency, Asylum Policy Instructions on Mandate Refugees, op.cit. p. 3

<sup>16</sup> Ibid.

<sup>17</sup> Ibid., 4.

<sup>18</sup> Ibid., 8.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., 9.



	<p>should be referred to ministers unless the applicant or dependant concerned [is excluded on the basis of other criteria].<sup>21</sup></p> <p>Mandate refugees are usually nominated for resettlement by UNHCR. To qualify for the Mandate Refugee Programme, the mandate refugee must satisfy two conditions. First, the UK must be the most appropriate resettlement country. Relevant factors are the applicant's integration potential, living conditions, whether the refugee has physical protection needs and whether s/he has close relatives residing in other countries. Second, the mandate refugee must have close ties with the UK, in particular close family members. The applicant's historical links with the UK may however be considered, such as whether time was spent in the UK as a student.<sup>22</sup></p>
<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>• Deploying Staff</li> <li>• Actors involved in refugee status determination</li> <li>• Missions</li> <li>• Dossiers</li> </ul>	<p>n/a</p> <p>Under the GPP, applications for resettlement are lodged with the UNHCR and are then referred to the Border Agency. Applications cannot be made directly to the UKBA, at UK embassies or through other international organisations and, according to the Border Agency, '[a]pplications are assessed individually on their merits'.<sup>23</sup> The Refugee Team in the Asylum Casework Directorate of the UK Home Office is responsible for overseeing and managing the GPP.</p> <p>As for Mandate Refugees, the British Red Cross (BRC) administers the referrals on behalf of UNHCR. Applications by mandate refugees may also be made at a post abroad. The BRC refer resettlement applications to the Refugee Resettlement Programmes Unit (RRPU). A casework team within the unit deals with these applications.<sup>24</sup></p> <p>Only mandate refugees may be resettled under the Mandate Refugee Programme, i.e individuals who have been granted refugee status by UNHCR. Applications are made at UNHCR and, if they pass the first screening, are referred to the UKBA, which makes the final decision. Applications can be lodged at the British embassy where there is no UNHCR office in the host country.</p> <p>All applicants are interviewed by UK Home Office officials.<sup>25</sup> A Pre Mission Questionnaire is sent to the appropriate UNHCR hub. Submissions are then received from UNHCR. The Border Agency then agrees on the refugees to be interviewed. The mission is carried out and Principal Applicants and dependents over 12 are interviewed. Biometrics are taken and cases are considered, including a security screening and the assessment of the cost of medical needs. Agreement is obtained from Ministers for certain cases. Cases are then decided and UNHCR is informed. Refugees are met by integration providers and a twelve month support package commences.<sup>26</sup></p> <p>Some cases are considered on dossier. In future, some interviews may be conducted using remote video conferencing facilities.<sup>27</sup></p>

<sup>21</sup> UK Asylum Policy Instructions on the GPP, op.cit. 10.

<sup>22</sup> Fahamu Refugee Legal Aid, *Resettlement to the United Kingdom*, Available at <http://www.frlan.org/node/293> (Last visited 31 May 2012).

<sup>23</sup> UK Border Agency, Gateway Protection Programme. Available at <http://www.ukba.homeoffice.gov.uk/asylum/gateway/> (Last visited 13 January 12)

<sup>24</sup> UK Border Agency, Asylum Policy Instructions on Mandate refugees, op.cit. p. 3

<sup>25</sup> Ibid.

<sup>26</sup> Interview with Dave Atkinson, op.cit.

<sup>27</sup> Ibid.

<p><b>Pre-Departure Activities</b></p> <ul style="list-style-type: none"> <li>• Cultural orientation (CO)</li> <li>• Assistance with travel documents</li> <li>• Medical screening</li> </ul>	<p>By UK mission staff to refugees explaining the travel, reception and initial integration arrangements. In previous years, a Cultural Orientation training programme was delivered to the refugees by IOM shortly before departing. Since 2011, a shorter 1 day programme has been delivered by staff from the Refugee Resettlement Unit at the UK Border Agency. It includes video interviews with refugees previously resettled through the programme in which they talk about their experiences of resettling and advice they have for new arrivals. Although UK officials believe that more intensive and/or follow up Cultural Orientation closer to the time of the refugees' departure would be helpful, they state that it is not presently affordable.<sup>28</sup></p> <p>IOM</p> <p>Medical screening is carried out by the IOM within set deadlines prior to departure. It includes a detailed medical history and physical examination of each individual and additional investigations for health conditions specified by UKBA. IOM are also contracted to provide follow up treatment for certain health conditions (such as TB) as well as testing and counselling for HIV. IOM also provide pre-embarkation health assessments shortly before departure and provide UKBA with a review of each refugee's immunisation history and record of administration of vaccines.</p> <p>This assessment also covers individual special needs for transport – such as the need for a medical escort which would then need approval from UKBA.</p>
<p><b>Procedure Timing</b></p>	<p>The procedure begins with the publication of the Global Needs in the summer of each year. The UK Border Agency meets with UNHCR as soon as practicable after this in order to begin discussions about which refugees are to be resettled in the following programme year (April-March in line with the UK financial year). There follows cross-government consultation and Ministerial approval of UK Border Agency proposals. There is no strict timing, but the Border Agency attempts to implement the steps of the procedure as speedily as possible. The timing of the programme is arranged after consultation with relevant UNHCR hubs.</p> <p>In general, the Border Agency seeks submissions from UNHCR two months before missions take place. Security and medical screening commences as soon as possible. It is the UK Border Agency's preference that this takes place before missions. Refugees generally arrive in the UK from about two months after the Border Agency officials return from mission - Local Authorities generally require two months' notice in order to be able to secure suitable accommodation.<sup>29</sup></p>
<p><b>b) Status and Rights – Post-Arrival phase</b></p>	
<p><b>Status granted</b></p>	<p>All refugees resettled under the GPP are recognised as refugees. All Gateway refugees are resettled in a particular region with the agreement of the relevant local authority beforehand. Being recognised as refugees, they are entitled to use the same services that UK citizens can access. NGOs and in some areas, specialist teams within Local Authorities are contracted to provide integration services that include assisting the refugees with accessing local services.</p>

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<p><b>Rights granted</b></p> <p><i>Residence</i></p> <p><i>Airport Arrival</i></p> <p><i>Info upon arrival</i></p> <p><i>Preparing local community</i></p> <p><i>Developing Integration Programme (Housing, health, education)</i></p> <p><i>Cultural orientation</i></p>	<p>Resettled refugees are automatically granted indefinite leave to remain. This status provides better legal protection than the status granted to in-country refugees, whose status is reviewed after a period of 5 years before indefinite leave to remain may be granted. This reflects the fact that resettled refugees have spent long and protracted periods of time in refugee camps before their arrival in the UK.</p> <p>All resettled refugees are escorted by IOM as far as an airside arrivals hall at Manchester Airport. Here the refugees are 'handed over' to a small team from one of the three NGOs - Refugee Action, Horton Housing Association and the Refugee Council - who currently provide reception and post arrival integration support services as part of the resettlement programme. The British Red Cross had recently been involved in integration support for resettled refugees but this is no longer the case. Refugees then board coaches to the relevant resettlement area where a cash allowance is administered to them before they access their accommodation.</p> <p>A brief welcome speech, introduction to the team and overview of the support is covered at an arrival venue prior to the refugees departing for their accommodation (usually in cars containing each family or household unit).</p> <p>Upon arriving at their accommodation, staff from that accommodation carry out a health and safety briefing, mainly focussing on equipment in the house.</p> <p>Work to prepare local communities has decreased in recent years as less funding per refugee has been available to post arrival services.</p> <p>Some providers approach refugees' neighbours before they arrive to explain people will be moving in and give a very basic background to the programme.</p> <p>Community Development Workers contact relevant community groups such as RCOs (Refugee Community Organisations) prior to a group arriving.</p> <p>Refugee Action and Refugee Council caseworkers use a holistic needs assessment and action planning tool called a 'Personal Integration Plan' with each individual adult refugee. It covers a range of broad headings including housing, finance, health, education, employment, relationships and legal. Caseworkers work with the individual refugee to establish their background before helping them decide on realistic hopes for the future and building a plan of how those hopes can be realised. Horton Housing caseworkers use a similar tool that assesses needs and risks, identifies goals and plans tasks.</p> <p>In 2011, the number of refugees supported by each caseworker increased as less funding per refugee was available to integration support services. The result was the amount of work each caseworker was able to carry out with each refugee has correspondingly decreased.</p> <p>In 2011, a cash allowance administered to the refugees upon arrival was reduced to £50 per person. After discussions at the Gateway Forum (see below) on the impact that the reduced cash allowance was having on newly arrived refugees, the cash allowance was increased to £150 per person from January 2013 onward.</p> <p>The 3 integration providers deliver planned group work sessions. Cultural orientation can also be carried out on a 1-to-1 or household basis by caseworkers as part of the tailored support provided to each refugee.</p>
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<p><i>Counselling</i></p>	<p>Some aspects of the 1-to-1 casework support provided by caseworkers can be similar to elements of counselling in that they provide a person-centred, therapeutic service. While working on the Health and Wellbeing element of the Personal Integration Plan, a caseworker and client may establish that the client requires further support with their mental health. This could lead to the caseworker supporting the client to request additional support through their allocated GP [doctor]. Referrals can be made to a range of statutory or voluntary providers of counselling and related mental health support services. These include Freedom From Torture which is an NGO that specialises in counselling for survivors of torture and trains counselling services to become equipped in delivering services to survivors of torture.</p>
<p><i>Language/Skills training</i></p>	<p>One of the clearest gaps in the current Gateway Programme is a lack of funded English for Speakers of Other Languages (ESOL) courses. In previous programmes, ESOL was funded as part of the resettlement programme but this has not happened since the tendering exercise in 2011.</p> <p>Refugees supported by Horton Housing access English classes at their training centre which are largely funded from outside of the resettlement programme. In some Local Authorities, adult education services have funded ESOL courses but this is not consistent across all areas. Some refugees have accessed ESOL through referrals made by their benefit provider and others are able to access mainstream courses which they pay for using their benefit money. However, there have been government funding cuts to mainstream ESOL classes which are now only funded for people in receipt of certain benefits and many recently resettled refugees have not been able to access any kind of English language learning. This is particularly the case for parents with childcare responsibilities and those who arrive after the start of the academic year in September. As of April 2012, 140 of the adult refugees who had been resettled in North West England after October 2011 were not accessing any kind of English classes. This equates to somewhere between 55% and 60% of the adult refugees resettled in this time.</p>
<p><i>Employment</i></p>	<p>As part of the Personal Integration Planning process, caseworkers identify support that individual refugees require with accessing employment and referrals can be made to mainstream employment support services. Support with employment can also be provided by the caseworker directly or a separate internal project wherever relevant.</p> <p>Different providers have devised their own distinct projects for supporting refugees in accessing employment.</p> <p>Refugee Action carries out an employment assessment with each adult shortly after arrival and this helps inform what support they might require.</p> <p>Some refugees have been referred to work placements in order for them to obtain UK work experience with organisations like Manpower – a recruitment company that is a global partner of UNHCR.</p> <p>Both Refugee Action and the Refugee Council previously had specialist employment workers who made links with local employers and attempted to strategically break down the barriers to refugees entering employment. These roles are not currently part of the models operated by either NGO - having been cut in the recent tendering exercise as a result of reduced funding per refugee.</p>
<p><i>Family Reunification</i></p>	<p>The UK government has a policy of allowing applications for reunification with spouses and dependent children. Usually the refugees are expected to disclose family members who this may apply to during their selection interview and this information then appears amongst the information that the NGO receives before the refugees arrive. Their caseworker follows this up with the refugee after arrival when working</p>

<p><i>Advice of Accessing Services</i></p> <p><i>Mentoring</i></p> <p><i>Training of local service providers</i></p> <p><i>Volunteer support</i></p> <p><i>Housing</i></p>	<p>on the legal section of their Personal Integration Plan. From April 2013, UK government 'Legal Aid' Funding is no longer available for advice on family reunion. Refugees now either need to submit applications without advice, pay for advice or access limited support from a charity – usually with a long waiting list.</p> <p>Caseworkers help the refugees understand their relationships with services – how to access them as well as what their rights and responsibilities are.</p> <p>Mentoring is not a standard part of the resettlement programme in the UK. Although it is used by some providers.</p> <p>In Norwich, the Red Cross previously referred resettled refugees into a mentoring service that was funded from outside of the resettlement programme and also catered for other refugees and asylum seekers.</p> <p>The Refugee Action resettlement programme uses a mentoring system that it has developed over many years (during times when funding was available for the mentoring of asylum seekers and refugees granted asylum after arriving in the UK). It currently focuses on matching refugees to mentors who are experienced in a field of work that the refugee has identified they would like to access.</p> <p>The current funding available to integration services is not sufficient to allow for the delivery of much training to local services.</p> <p>Volunteers are used in a variety of roles across the different providers. 'Arrivals Volunteers' assist the refugees with intensive support during their first week in the UK.</p> <p>'ESOL Volunteers' work directly with the refugees to help them achieve specific learning goals identified by the refugee with help from their caseworker.</p> <p>'Volunteer Advocates' assist refugees with attending appointments and accessing services providers.</p> <p>All refugees resettled through the Gateway Programme are directly accommodated in mainstream housing immediately after arrival. The UKBA provide anonymous information about cases to the relevant body funded to source accommodation at least 6 weeks prior to arrival. (The information includes ages, genders, familial relationships within the case, links to other cases and any specific needs such as those relating to a disability.) Appropriate accommodation is then sourced for each case. The addresses are shared with other relevant bodies such as the NGO who will accompany the case to their address upon arrival and the local Primary Care Trust who will then allocate a nearby doctors surgery. Accommodation for resettled refugees is sourced in different ways in different Local Authorities. Some procure social housing from housing associations – others source from the private sector and often a mix of private and social housing is used.</p> <p>The models vary slightly across the country with the housing being permanent in some cases and temporary for up to around a year in others. Where housing is temporary, support with finding permanent accommodation and moving on is also provided.</p>
<p><b>Comments</b></p>	<p>Support provided to refugees resettled under GPP originally focussed on "reception orientation". Each resettled refugee is assigned a caseworker. Over the years, support has moved from being intensive in nature towards a "lighter touch" in order to promote independence.<sup>30</sup></p>

<sup>30</sup> D. Platts Fowler and D. Robinson, 'An Evaluation of the Gateway Protection Programme: A Report Commissioned by the Home Office' (2011), p. 1. Available at <http://www.shu.ac.uk/research/cresr/sites/shu.ac.uk/files/eval-gateway-protection-programme.pdf>



	<p>A study evaluating the GPP, found that resettled refugees tended to consider themselves satisfied with the support provided to them under the GPP on the basis of how easily they can get in touch with their caseworker and as a result there was a downward trend in the rate of satisfaction in the period between February and May 2009 covered in the report.</p> <p>There are a number of challenges facing refugees resettled under the GPP. There is limited access in reality to language training, especially for women due to greater demand than supply and poor coordination of provision of services. Generally after an 18 month period, refugee men were found to speak English relatively well. For women this was more of a problem, due mainly to problems of access to English language courses. This however depended on the country of origin of the refugee.</p> <p>The UK Borders Agency has stated that although refugees show positive signs of integration after an 18 month evaluation period, there were low levels of employment.<sup>31</sup> A study showed that out of 146 refugees resettled in the UK, only 3 had experience of paid employment after 18 months.<sup>32</sup></p> <p>This study also showed that a large minority of the refugees interviewed had been subjected to a physical or verbal attack, some on more than one occasion. Almost half of these did not report the attack and those who did felt that their complaint was not adequately dealt with by the police or the Gateway provider.<sup>33</sup></p> <p>Although the vast majority of resettled refugees who were interviewed in the course of this study were registered with a doctor, 41 per cent reported problems accessing healthcare. This affected women more often than men and was often due to English language difficulties.<sup>34</sup></p> <p>Ringfenced funding for ESOL classes should be made available so that each adult resettled refugee has a minimum of 640 hours of funded ESOL classes in their first year. Funding made available should be flexible enough for individual circumstances to be accommodated. For the first year after arrival, benefit rules should not restrict the number of hours per week a refugee can study English for.</p> <p>The UK Borders Agency, the UNHCR, NGOs and local authorities are the stakeholders involved. The decision to resettle refugees is a voluntary commitment by the UK Government, which cooperates with UNHCR in determining which refugees to resettle and from where. It cooperates with local authorities, who voluntarily agree to receive resettled refugees before any refugees are resettled to their area. NGOs and some local authorities are involved in delivering the programme.<sup>35</sup></p> <p>A national 'Gateway Forum' of actors in resettlement has been re-established. It met for the first time in September 2012 and has since continued to meet regularly.</p> <p>NGOs and Local Authorities receiving and accommodating resettled refugees have expressed that the pre-arrival information they receive is not always consistently accurate and thorough enough to enable them to fully meet refugees' needs.<sup>36</sup></p>
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<sup>31</sup> Interview with Dave Atkinson, UK Borders Agency, Refugee Team (May 2012).

<sup>32</sup> D. Platts Fowler and D. Robinson, note 24 above, p. 2.

<sup>33</sup> Ibid., 3.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Interviews with Victoria Sinclair, Refugee Action, and Andy Hewett, British Red Cross, April 2012.

c) Costs and Funding	
<p><b>Funding</b></p> <ul style="list-style-type: none"> <li>– <i>National Level</i></li> <li>– <i>ERF</i></li> </ul>	<p>The GPP is match funded by the UK government (the UK Border Agency) and European Refugee Fund.<sup>37</sup> The Resettlement programme runs in three year cycles in line with fiscal budgets. The current arrangement is 2011-2014.<sup>38</sup></p> <p>The UKBA meets the full costs of resettlement in the first year. Costs include integration support package which includes housing, healthcare, education, language classes and casework support services. NGOs work closely with the participating Local Authorities and provide many of these services to resettled refugees. NGOs are currently funded to provide resettled refugees with a twelve month package of integration support. Local Authorities participate on a voluntary and after the initial twelve months, the relevant local authority and government department are responsible for any further costs.<sup>39</sup></p>
<p><b>Costs</b></p>	<p>n/a</p>
<p><b>Comments</b></p>	<p>The UK aspires to an increased quota of 1000 per year when this becomes affordable. However, the present economic climate suggests that this increased funding for resettlement is unlikely in the near future. According to the UK authorities, in order to expand its resettlement programmes in terms of the numbers of refugees resettled, more funding would be needed from the EU or the level of support and standard of accommodation provided to refugees would have to be reduced in order to resettle more within the existing budget. UNHCR believes that more refugees could be resettled within the existing budget if the process was made more efficient, with NGOs perhaps delivering more services, thus cutting costs for local authorities.<sup>40</sup></p>

<sup>37</sup> Interview with UK Borders Agency, Dave Atkinson, Refugee Team (May 2012)

<sup>38</sup> Ibid.

<sup>39</sup> UK Country Chapter, p. 3. Available at <http://www.unhcr.org/40ee6fc04.html> (Last visited 31 May 2012).

<sup>40</sup> Interview with Alexander de Chalus, UNHCR (May 2012).



## **PART III**

### **EU COMPARATIVE REPORTS**



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## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***Refugee Resettlement in the EU: Between Shared Standards and Diversity in Legal and Policy Frames***

**Delphine Perrin  
Frank McNamara**

KNOW RESET Research Report 2012/03  
*EU Comparative Report*



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**KNOW RESET**  
**Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement**  
**in the EU and its Member States**

**Research Report**  
**KNOW RESET RR 2013/03**

**Refugee Resettlement in the EU:**  
**Between Shared Standards and Diversity**  
**in Legal and Policy Frames**

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<sup>1</sup> Frank McNamara reviewed the report and wrote the chapter on ‘Responsibility-Sharing and the Resettlement/Relocation Dichotomy’.

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## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project: <http://www.know-reset.eu/>

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## **Abstract**

The report presents and compares frameworks and policies relating to refugee resettlement in EU Member States. The time-frame of the report is the last decade, i.e. 2003 to 2013. It is based on the research conducted for the Know Reset Project and extensively uses the interviews with different stakeholders involved in refugee resettlement in the EU, which make valuable contribution to the understanding of Member States' options and policies in the domain of refugee resettlement.

This report firstly seeks to present and explain the evolution of EU Member States' commitment in resettlement during the last decade by linking it to relevant related initiatives at international (UNHCR) and EU levels, most importantly in 2007/2008 and 2011/2012. The report secondly presents and compares the content of resettlement-related frameworks and policies in EU Member States, and seeks to analyse them in light of common standards and priorities developed by the UNHCR and the EU. Last, the report tries to clarify the apparent dichotomy between resettlement and intra-EU relocation and the ambiguous relation between the two processes, which may raise priority issues in refugee protection burden-sharing.



## Acronyms

ATCR	Annual Tripartite Consultations on Resettlement
CEAS	Common European Asylum System
CGRS	Belgium's Commissioner General for Refugees and Stateless Persons
EASO	European Asylum Support Office
ERF	European Refugee Fund
ETC	Emergency Transit Centre
EUREMA	Pilot Project for intra-EU Relocation from Malta
GPP	Gateway Protection Programme
ICRIRR	International Conference on the Reception and Integration of Resettled Refugees
JEURP	Joint EU Resettlement Programme
JHA	Justice and Home Affairs
NGO	Non Governmental Organisations
MIGRI	Finnish Immigration Service
RFF	Refugee Resettlement Form
RPP	Regional Protection Programme
WGR	Working Group on Resettlement

## 1. Introduction

The EU Member States have long been criticised for their low level of participation in the resettlement of refugees from countries of first asylum which are unable to provide the adequate protection. Nevertheless, despite the fact that very few States had a resettlement policy in Europe up until recently and even if legal reference to it was almost non-existent, a number of European countries have a considerable history of having contributed to the reception of refugees and have responded to collective protection needs.

Initially, the resettlement of refugees was essentially used to respond to the collective needs of protection due to war or mass persecution. Once created, the UNHCR came to use resettlement as a key tool to finding solutions for European refugees after the 2<sup>nd</sup> World War.<sup>2</sup> During the Cold War, the UNHCR turned to resettlement to respond to the many different refugee crises of that era. Several European countries participated to the resettlement of Hungarians who had fled to Yugoslavia and Austria after the Soviet invasion of 1956. Likewise, European countries reacted similarly to the expulsion of Asians from Uganda in 1972 and to refugee crisis in Chile after the 1973 coup d'état and, as a final example, European states also reacted positively to the hundreds of thousands of Indo-Chinese 'boat-people' in the late 1970s. At that time, resettlement was utilised as a tool in safeguarding first asylum in neighbouring countries.

While Sweden had adopted a resettlement programme as soon as 1950, it was in the late 1970s that European countries initiated resettlement programmes. The Netherlands decided to resettle on a programme-basis in 1977 and adopted its first quota in 1984. Finland received a number of refugees at the request of UNHCR in 1979 and then launched a programme in 1985. Denmark implemented its first programme in 1979.

After the important increase in Vietnamese people leaving their country, the use of large-scale resettlement was seen as a pull-factor for departures and the offer of resettlement places fell drastically. It was decided to strengthen the rules for resettlement and the Comprehensive Plan for Action signed in 1989 oriented resettlement on individual protection needs.<sup>3</sup>

From then on, 'fleeing the Cold War' would not automatically lead to refugee status and the UNHCR took steps in the following years to '*develop multilateral consultative processes, strengthen its resettlement management capacity and articulate resettlement policy and criteria.*' The first Resettlement Handbook was released in 1996.<sup>4</sup> In 1995, the Working Group on Resettlement (WGR) was established to enable the systematic consultation between the UNHCR, resettlement States and international organisations like IOM. These partners and invited NGOs then launched the Annual Tripartite Consultations on Resettlement (ATCR) from 1996. It is here that UNHCR's report on Projected Global Resettlement Needs, produced annually, is discussed in detail by the partners<sup>5</sup> in June each year, while the WGR is held in October and March.

In the meantime, resettlement was a key tool in the subsequent major refugee crises, such as the 1st Gulf War in 1991, the need to transfer inmates in Bosnia and Herzegovina in 1992, followed by the war in the former Yugoslavia, and the 1999 Kosovo crisis. Yet, refugee resettlement did not increase significantly during the 1990s, and European uptake remained low. Only one new resettlement country emerged in the European Union during the 1990s, namely Ireland, which started its first programme in

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<sup>2</sup> UNHCR Resettlement Handbook 2011, p.47.

<sup>3</sup> For developments on the history of resettlement, see UNHCR Resettlement Handbook 2011, and Margaret Piper AM, Paul Power, Graham Thom, *Refugee Resettlement: 2012 and Beyond*, UNHCR Research Paper n°253, February 2013.

<sup>4</sup> UNHCR Resettlement Handbook 2011, p.50

<sup>5</sup> *Ibid.* p.52

1998. Indeed, Ireland responded to the Bosnian crisis of 1992 and to the Kosovan crisis of 1999. Up until 2000 it continued to accept relatives of Vietnamese refugees who were initially admitted in 1979 and relatives of Bosnian refugees admitted between 1992 and 1996. *'All three of those programmes were coming to an end. The UNHCR approached the Department of Foreign Affairs and made the case for joining the resettlement quota programme. Decisions were taken in 1998 to bring the Bosnian and Vietnamese programmes to an end and to join the annual resettlement quota programme'*<sup>6</sup>.

In late 2000, the UNHCR initiated the Global Consultations on International Protection in an attempt to revitalise the international refugee regime, bring together Northern and Southern states and find some form of convergence between the protection needs of refugees and the interests of states. The consultations lasted for two years and resulted in two major outcomes: the 2001 Declaration of States Party which reaffirmed UNHCR's mandate, and the Agenda for Protection which was endorsed by the UN General Assembly in 2002.

The Agenda for Protection called for the expansion of resettlement opportunities due to the extent of protracted refugee situations. Together with the Convention Plus Initiative in 2004, the Agenda for Protection sought to revive resettlement along a more comprehensive, planned and strategic approach. Convention Plus attempted to develop agreements between States to supplement the 1951 Geneva Convention and enhance refugee protection at a regional level.

Yet, revelations of corruption within the UNHCR influenced attitudes towards the management of resettlement at this time. As well as this, the terrorist attacks in the United States on the 11th of September 2001 resulted in resettlement coming to be viewed as being a security concern. Public perceptions made resettlement from countries such as Iraq, Afghanistan and Somalia more "complicated"<sup>7</sup>.

Things started to change in the mid-2000s. One significant factor that influenced changing attitudes to resettlement was the fact that there were major changes within the UNHCR<sup>8</sup>, such as: The arrival of a new High Commissioner, António Guterres, a former Portuguese prime minister who took office in 2005 and who quickly declared an interest in improving and increasing resettlement; the formation of a specialised Resettlement Service and the efforts of senior UNHCR staff who demonstrated a capacity to be both more strategic and more effective in the way they dealt with the various stakeholders, particularly resettlement States. Supplementing these initiatives was a renewed focus on capacity building within the UNHCR, including the revision of the UNHCR Resettlement Handbook.<sup>9</sup>

The number of EU Member States committed to resettlement has increased significantly over the past decade and even more significantly during the past five years.

Five Member States had a resettlement programme before 2003, i.e. Sweden, Denmark, the Netherlands, Finland, and Ireland. While only one new resettlement country emerged in the EU during the 1990s, nine were created during the following decade, seven between 2008 and 2013. The number of 'resettlement countries' in the EU is now fourteen: in addition to the five countries cited above, the United Kingdom launched a programme in 2004, Portugal in 2007, the Czech Republic, Romania and France in 2008, Hungary, Belgium, Germany and Spain in 2012/2013. Bulgaria is also about to start a programme in 2014. Two additional Member States refer to resettlement in law (Poland and Slovenia), even though they have not resettled yet, and two other Member States have already joined resettlement operations on an *ad hoc* basis (Italy, Luxembourg).

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<sup>6</sup> Interview with Martina Glennon (Assistant Principal Officer) and Elaine Houlihan (Executive Officer), Resettlement Unit, Office for the Promotion of Migrant Integration, 5 January 2012.

<sup>7</sup> *Refugee Resettlement: 2012 and Beyond*, op.cit. p.11

<sup>8</sup> *Ibid.* p.13

<sup>9</sup> *Ibid.*

Besides, Slovakia hosts an Emergency Transit Centre (ETC) for the humanitarian transfer of refugees before their resettlement to EU Member States or third countries, as does Romania. Among the six EU Member States which have not taken any steps toward getting involved in resettlement, Lithuania began discussions in February 2012 on participating in resettlement.<sup>10</sup>

The past decade has truly been revolutionary in terms of the initiation of refugee resettlement in some shape or form by Member States. For that reason, the time-frame of this report is the period from 2003-2013 and focusses on the current situation relating to resettlement in the EU.

It is based on the research conducted within the Know Reset project between 2011 and 2013, which has provided the following research material:

- A collection of national data on legal and administrative frameworks, resettlement policies at EU and national levels;
- Statistics collected from the national institutions in the 27 Member States;
- Interviews conducted with governmental and non-governmental stakeholders involved in resettlement in the Member States;<sup>11</sup>
- Comparative analytic tools created for the project;
- Country of first asylum reports based on field research in Kenya, Pakistan and Tunisia.

In particular, the report utilises the policy positions, opinions and explanations of the different stakeholders interviewed in the framework of the project, which allow for an invaluable insight into Member States' law and policy with regard to refugee resettlement.

This report firstly seeks to present and explain the evolution of EU Member States' commitment in resettlement over the past decade by linking it to relevant related initiatives at international (UNHCR) and EU levels. Two turning points have emerged from the observation of this evolution over the past decade. In the mid-2000s, the UNHCR was seeking to revive States' commitment to resettlement, in particular through the preparation of 'group resettlement methodology' aiming at organising Multilateral Resettlement Operations. The possibility of launching a joint resettlement scheme in the EU was also considered. The adoption of the European Refugee Fund in 2007 coupled with UNHCR and EU's initiatives around the Iraqi refugee crisis constituted key incentives to expand EU Member States' involvement in refugee resettlement. A few years later, two similar factors – a financial incentive at EU level and joint resettlement initiatives – played a similar role in enhancing EU Member States commitment in resettlement in a more concerted and sustainable way.

The report secondly presents and compares the content of resettlement-related frameworks and policies in the EU Member States. It seeks to analyse those frameworks and policies in the light of common standards and priorities as have been developed by the UNHCR and the EU. This implies comparing resettlement in the EU Member States on the basis of a series of criteria, such as the following: protection needs when selecting refugees, rule of law and rights granted to resettled refugees, responsibility-sharing.

Finally, the report tries in an additional chapter to clarify the apparent dichotomy between resettlement and intra-EU relocation. While it is claimed that the two should be or are unrelated, the position of Member States are much more diversified. Some of them consider relocation as a 'mini-resettlement' likely to build their resettlement capacity, both may be merged within the same quota or based on the same legal frameworks. The ambiguous relationship between the two processes may raise priority problem in refugee protection burden-sharing.

<sup>10</sup> UNHCR was informed by the Lithuanian Ministry of Social Security and Labour about these discussions. Written interview of the representative of Regional Office of UNHCR in Lithuania, 23<sup>rd</sup> of March 2012. Yet, as the representative of the Ministry of the Interior was unaware of any on-going discussions on resettlement issue, it follows that it is a very initial phase of a possible reform in this field. Written interview of the representative of the Ministry of the Interior, 21<sup>st</sup> February 2012.

<sup>11</sup> Some names are cited in the report, others are not when the interviewees did not wish to be named.

## 2. The Development of Resettlement-Related Frameworks and Policies in the EU and its Member States

It was during the second half of the 2000s that EU Member States' commitment to resettlement expanded and strengthened. Formal involvement in resettlement in the EU had two major turning points during the past decade. Those turning points are in line with important refugee crises and some significant initiatives from the UNHCR and the EU, supported by NGOs which reveal the importance of advocacy and joint operations to foster resettlement efforts in Member States.

Different steps can be distinguished in EU Member States' commitment. The 'traditional resettlement countries' resettled on a programme-basis long before adopting legislation which provided for refugee resettlement in their Asylum law. During the last decade however, the trend has been quite the opposite: States have first expressed their formal commitment to resettlement, through the reform of their law and/or the announcement of the adoption of a programme, and the effective commitment has then followed – or not.

### 2.1 The Turning Points of the Last Decade

#### a) From 2003 on

During the first half of the 2000s, both UNHCR and the EU prepared some tools aimed at developing multilateral operations and joint initiatives in the domain of refugee resettlement, which were designed to have a clear impact on States' motivation to be part of collective efforts in the following years.

#### *The UNHCR's Agenda for Protection and Multilateral Resettlement Operations*

Convention Plus addressed the issue of resettlement through the Multilateral Framework of Understandings on Resettlement, a non-binding agreement between states adopted at the High Commissioner's Forum in 2004. The aim of this agreement was to “*strengthen the international refugee protection system through a more strategic use of resettlement for the benefit of a greater number of refugees*” and its purpose was “*to guide parties to situation-specific multilateral agreements.*” It was actually attempting to recreate the “comprehensive plans of action” that had been used twenty years before in South East Asia and Central America.<sup>12</sup> From 2003, the UNHCR started to develop a ‘group resettlement methodology’ to enhance resettlement through the use of simpler and accelerated processing for groups of refugees while it also advocated for the adoption of flexible selection criteria that would go beyond the terms of the 1951 Convention.

Refugees may be recognised through individualised determination procedures or, in the absence of evidence to the contrary, through group-determination procedures on a *prima facie* basis.<sup>13</sup> This latter approach has mainly been adopted in situations of mass influx, ‘*where the reasons of flight are generally known and the number of arrivals would overwhelm capacities to determine refugee status individually.*’<sup>14</sup>

Taking into account the need for responsibility sharing in the protection of refugees and a strategic use of resettlement, the UNHCR and its governmental and non-governmental partners have tried to undertake multilateral resettlement operations. Resettlement states have therefore been called upon to offer places to individuals who belong to specific groups and are in a country of first asylum which

<sup>12</sup> *Refugee Resettlement: 2012 and Beyond*, op.cit. p.11.

<sup>13</sup> ‘*Prima facie* (‘in absence of evidence to the contrary’) refers to the process of group determination of refugee status, as opposed to individual determination, which is usually conducted in situations where a need to provide urgent assistance or other practical difficulties preclude individual determination, and where the circumstances of the flight indicate that members of the group could be considered individually as refugees’, UNHCR Resettlement Handbook 2011, p.20.

<sup>14</sup> *Ibid.* p.19.

does not acknowledge refugee status for instance or cannot provide an adequate level of protection due to the number of refugees in need of protection, leading to protracted refugee situations.

Among the groups of vulnerable persons to be resettled, some refugees appear to be ‘safer’ than others and may compensate for caseloads that are deemed to be ‘risky’ on security grounds. In the second half of the 2000s, new sources of ‘safe’ refugees emerged. This was the case of Burmese. For many years Thailand and to a lesser extent Malaysia had resisted approaches to allow UNHCR to gain access to Burmese refugees to process them for resettlement but in the early 2000s, negotiations succeeded in convincing them to change their policy.<sup>15</sup>

Besides, a number of major repatriation operations, especially those to Afghanistan, Iraq and South Sudan faced important difficulties which led some resettlement states to resettle refugees from those countries, even though they were considered as being ‘risky.’<sup>16</sup>

### ***The EU’s Initial Steps toward a Joint Resettlement Programme***

At the EU level, the Amsterdam Treaty had created a new area of competence for the European Union by transferring asylum policy and the Schengen *acquis* from the intergovernmental pillar to the Community pillar. Within the objective of an EU asylum policy, the European Commission suggested in its Communication of 22 November 2000 that ‘*Processing the request for protection in the region of origin and facilitating the arrival of refugees on the territory of the Member States by a resettlement scheme are ways of offering rapid access to protection*’ (COM 2000/0755 final). The Commission believed that only a joint EU approach could create the necessary political and operational terms for accessing European territory and for allowing resettlement to be used for strategic purposes - both to assist the EU Member States and attain the objectives of the UNHCR’s Agenda for Protection.

At the time when the United Kingdom was suggesting ‘transit and treatment centres’ in third countries in line with its ‘Safe Borders, Safe Haven’ policy, the Commission’s Communication of 3 June 2003 (COM(2003) 315 final) presented resettlement as a way to provide for ‘managed and orderly arrivals of persons in need of international protection.’ This way of presenting resettlement was confirmed in June 2004 in a Communication<sup>17</sup> in which the Commission proposed an EU-wide resettlement scheme.

In the Hague Programme of 4 and 5 November 2004, the European Council set a series of objectives and priorities with a view to further developing the Common European Asylum System (CEAS) in its second phase. In particular, the European Council underlined the need for the EU to contribute in a spirit of shared responsibility to a more accessible, equitable and effective international protection system and to provide access to protection and durable solutions at the earliest possible stage. The European Council went on to call for the development of EU-Regional Protection Programmes (RPP) which included a joint resettlement programme for Member States willing to participate in such a programme. The Commission then set out its action plan for one or more Regional Protection Programmes.<sup>18</sup> Those RPP were not shaped as a humanitarian response<sup>19</sup> but as a tool to support and build the protection capacity in third countries. Resettlement from the countries

<sup>15</sup> *Ibid.* p.11. As a result, whereas only 246 Burmese were resettled in 2002, by 2009 the number had grown to 24,781, a 100 fold increase<sup>15</sup>.

<sup>16</sup> *Ibid.* p.12

<sup>17</sup> Communication from the Commission to the Council and the European Parliament of 4 June 2004 on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin: “improving access to durable solutions”. COM(2004) 410 final.

<sup>18</sup> Commission Communication to the Council and the European Parliament of 1 September 2005 on regional protection programmes. COM(2005) 388 final. (Not published in the Official Journal).

<sup>19</sup> Marcin Pruss, European Commission, Know Reset Final Conference, Brussels, 10 July 2013.

covered by an RPP was considered as a way to enhance their involvement in refugee protection and as a response to the strategic use of resettlement which attempts to influence the behaviour and attitudes in countries of first asylum.

In the meantime, the European Commission also started to fund ‘twinning projects’ aiming at developing joint resettlement processes. The MORE Project (Modelling of National Resettlement Process and Implementation of Emergency Measures) was an EU funded Project which ran from December 2003 to April 2005 and ‘twinning’ a traditional resettlement country, Finland, with a recent one, Ireland, in cooperation with UNHCR, IOM and ECRE. The aim of the Project was to develop comprehensive models for the resettlement process, which could be utilised by other EU Member States and other countries. The main outcome of the Project was the production of a practical guide to the resettlement process.

### ***Impact at National Level***

Before 2003, only five EU Member States had resettlement programmes: the four ‘traditional resettlement countries’, i.e. Sweden, Finland, Denmark and the Netherlands, and Ireland which legislated for resettlement in 1996 and started its programme in 1998. The Czech Republic also introduced a reference to refugee resettlement in its Asylum Act in 1999 but only resettled from 2008.

The following changes occurred during the first half of the 2000s:

- The **UK** introduced a specific provision in 2002 in its Nationality, Immigration and Asylum Act and started its programme in 2004, ‘*to demonstrate the UK’s commitment to supporting UNHCR’s global effort to provide durable solutions to the plight of refugees and increasing its international contribution to sharing the refugee burden.*’<sup>20</sup>
- **Ireland** extended its annual quota in 2005 from 10 cases (around 40 persons) to 200 persons to be admitted.
- The three Scandinavian ‘traditional resettlement countries’ of the EU decided to formally legislate for their commitment by introducing a specific reference to resettlement: **Finland** in 2004, **Denmark** and **Sweden** in 2005.
- **Germany**, which only resettled on an *ad hoc* basis at that time, changed its law in 2004, to allow admission from abroad and issuance of residence permit.
- **Romania**, which had never resettled, introduced a specific provision in its law in 2006. Article 3(5) of the Asylum law opened the possibility to resettle on a programme-basis.

In legislating in this way, Romania is representative of a greater trend among the newer Member States, those which joined the EU in 2004 and 2007. The need to revise legislation to conform to the EU *acquis* on asylum was also an opportunity to legislate for resettlement.

Therefore, by 2007, only one new resettlement country had been created in the EU since the beginning of the 2000s, i.e. the UK. Despite this slow progress, the formalisation of a commitment to resettle was already on progress.

### **b) The 2007/2008 Turning Point**

This turning point is due to Multilateral joint operations initiated by both the UNHCR and the EU and the adoption of financial incentives for resettlement by the EU.

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<sup>20</sup> Written interview with Dave Atkinson, Home Office, Refugee Team, 16 May 2012.



### ***The UNHCR's Calls for Group Resettlement and Protracted Situations***

The UNHCR pursued its efforts to incentivise and guide States toward situation-specific multilateral resettlement operations. The purpose in its doing this was to encourage states to focus attention on situations where it was considered that a strategic resettlement operation could leverage benefits for a much larger number of refugees, including creating a better protection environment and opening up the possibility of local integration.<sup>21</sup>

In addition to the 'classical' multilateral resettlement operations, the UNHCR launched a Special Initiative on Protracted Refugee Situations in 2008 which focused on five situations among which three had to be resolved through resettlement:

- Afghan refugees in Iran and Pakistan;
- Refugees from Myanmar in Bangladesh;
- Eritrean refugees in eastern Sudan.<sup>22</sup>

Besides, at that time, the refugee crisis due to the 2<sup>nd</sup> Gulf War began to severely impact the countries surrounding Iraq, i.e. Jordan, Syria and Lebanon. In March 2007, the UNHCR declared that Iraqis fleeing their country from five central governorates were entitled to *prima facie* refugee status and called for their resettlement. In addition, it established eleven priority resettlement profiles to help assess the vulnerability of Iraqi refugees. Refugees belonging to one of these eleven categories were prioritised for resettlement<sup>23</sup> in line with the seven globally defined resettlement criteria.

### ***The ERF and the Iraqi Refugee Crisis***

The European Refugee Fund (ERF) for the period 2008-2013 adopted Decision 573/2007/EC, aimed, among other things, to '(...) support the voluntary efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement by the UNHCR, such as the actions that the Member States implement to assess the resettlement needs and transfer the persons concerned to their territories, with a view to granting them a secure legal status and to promoting their effective integration.'<sup>24</sup>

Member States could apply for funding to help implement resettlement programmes, and could seek 4,000 Euro per resettled person provided the refugee belonged to one of the four vulnerable categories eligible, they were:<sup>25</sup>

- persons from a country or region designated for the implementation of a Regional Protection Programme;
- unaccompanied minors;
- children and women at risk, particularly from psychological, physical or sexual violence or exploitation;
- persons with serious medical needs that can only be addressed through resettlement.

Beyond this increase in funding, the funding of twinning projects also continued. The MOST Project succeeded the MORE Project from 2006 to 2008. The Ministry of Labour in Finland led the MOST project and the project partners were the Irish Reception and Integration Agency, the Spanish Ministry of Labour and Social Affairs, and the Swedish Migration Board in cooperation with UNHCR,

<sup>21</sup> *Refugee Resettlement: 2012 and Beyond, op.cit.* p.16.

<sup>22</sup> UNHCR Resettlement Handbook 2011, p.59.

<sup>23</sup> *10,000 Refugees from Iraq, A report on Joint Resettlement in the European Union*, ICMC, May 2010, p.12.

<sup>24</sup> Recital 18 of Decision 573/2007/EC.

<sup>25</sup> Article 13 of Decision 573/2007/EC.

IOM and ECRE. It aimed at exploring ways to improve the resettlement process and focused on the quality of integration services.

In parallel, a Joint EU Call to resettle 10,000 refugees from Iraq was adopted by the Justice and Home Affairs Council (JHA) on 27-28 November 2008. Help to vulnerable refugees was specifically mentioned. The Council Conclusions came about under the French presidency of the EU and under the leadership of some Member States that had already been involved in the resettlement of Iraqi refugees since 2007.

Besides, under the Slovenian EU presidency in 2008, EU Ministers from larger resettlement countries had signed a declaration where they committed to resettle quantitatively more and prompted their colleagues to do the same.<sup>26</sup>

### ***Impact at National Level***

The Joint Call at EU level had a clear impact on several Member States which stresses the importance of launching multilateral operations to obtain national commitments. The initiatives of some Member States acting as leaders were also key incentives to get their partners involved. The UNHCR's call to resettle refugees from Iraq was actively promoted by some important Member States. The Netherlands and Sweden in particular urged other Member States to respond to the Iraqi refugee crisis. The adoption of the Council Conclusions was primarily promoted by Germany in early 2008. Then, in June 2008, France signed an *ad hoc* agreement with the UNHCR (the 'IRAK 500' programme) embarking on a two-year programme for the resettlement of vulnerable Iraqi refugees belonging to minority groups. On 20-21st November 2008, in anticipation of the EU JHA Council meeting, Germany adopted a key decision to accept 2,500 Iraqi refugees from Jordan and Syria as part of Europe's response to the refugee crisis. The fact that Germany decided to make a significant contribution and accept a large number of Iraqi refugees greatly influenced the adoption of the Council Conclusions.<sup>27</sup>

The number of countries involved quadrupled, from two in 2007 to eight in 2009. Eventually, twelve EU Member States participated in the joint effort to resettle refugees from Iraq: Seven programme-based resettlement countries (Sweden, Finland, the Netherlands, the UK, Portugal, Denmark, Ireland), and five Member States (Belgium, France, Germany, Italy, Luxembourg) responded the call on an *ad hoc* basis.

A second significant incentive to resettle also appear to be twinning projects and supportive initiatives among Member States. The Iraqi crisis was the opportunity for the EU and some Member States to develop and test joint initiatives and pass on lessons from their own experiences. In the framework of the MOST project, representatives of the Spanish government from the Ministry of Labour and Social Affairs participated in selection missions to Jordan and Syria with the Swedish partner in 2007 and 2008 to find out how the resettlement process could be organised. The missions involved the selection of Iraqi refugees, and was conducted as part of a learning process focussing on refugee selection.

A Temporary Desk in Iraq (TDI), funded by the European Commission aimed 'to improve practical cooperation on protection, resettlement and the return of Iraqi refugees.' From May 2009 to October 2010, this pilot project brought together General Directors of Immigration Services from Germany, the Netherlands, the UK and Belgium. The expertise was aimed at being transmitted to the EASO in order to support its forthcoming activities in the domain of resettlement. As part of the TDI project, Belgium and the Netherlands went on a joint mission to Syria in May 2009. Furthermore, Bulgaria and Slovakia

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<sup>26</sup> Phone interview with Andreas Ollinen, political adviser to the Swedish Minister for Migration and Asylum Policy, Ministry of Justice, 16 May 2012.

<sup>27</sup> *10,000 Refugees from Iraq, A report on Joint Resettlement in the European Union, op.cit.*, p.14

participated as observers in the Dutch mission to Syria in October/November 2009.<sup>28</sup> In 2010, a proposal was made for a similar Desk in Afghanistan.

Belgium and Luxembourg's 2009 pilot resettlement schemes in response to the November 2008 Conclusions were preceded by guidance from the Netherlands. In 2008, Belgium and Luxembourg were invited to join the Netherlands on a selection mission in Thailand in order to promote resettlement. By the end of 2007, delegations from Belgium and the Czech Republic had observed the Dutch resettlement process in Thailand under the twinning project entitled 'Durable solutions in practice.' A Romanian delegation took part in a selection mission to Jordan in February 2008 under the same project. Representatives from Belgium, the Czech Republic and Romania also visited the Netherlands, where they were given a general overview of Dutch resettlement policy, including quota and reception.

Twinning projects are not only aimed at promoting resettlement to potential future resettlement countries but also to exchange experiences. Ireland for instance benefited from the support and experience of Canada and the UK when it resettled Burmese Rohingya in 2009. *'I visited Bradford where the Rohingya refugees had been resettled and representatives from Bradford subsequently visited Ireland to meet the Rohingya community here. This resulted in some members from both of the Rohingya Communities making contact with one another.'*<sup>29</sup> In 2009, Ireland also took some refugees in cooperation with the UK, within a transnational EU funded project. Bulgaria and Belgium also participated in that initiative as at that time they were considering participating in programme resettlement. The Netherlands' involvement in fostering further commitments among Member States appears to be determinative in the above-mentioned cooperation schemes. Ireland stresses that Finland had also provided an excellent support during its early years of resettlement and that it then had the opportunity to support Slovenia, Belgium and Bulgaria. *'We learn from each other all of the time and it wouldn't happen without the EU.'*<sup>30</sup>

The financial contribution of the ERF was also a clear incentive to generate EU Member States' involvement in refugee resettlement. Belgium's pilot project to resettle refugees from Iraq was conditional upon a request for European funding. *"Concretely, the selection mission and the transfer of the resettled refugees took place within the framework of the ERF community actions project "Temporary Desk on Iraq", which meant that up to 90% of the costs of the selection and transfer of refugees could be recuperated through the European Commission. Furthermore, 50% of the reception and integration of the resettled refugees was co-financed by the national section of the ERF."*<sup>31</sup>

Also Portugal established a multi-annual programme (2008-2013) in the context of the ERF which projected the resettlement of a certain number of refugees in the categories identified in Article 13 of the ERF.<sup>32</sup> The financial incentive is still emphasized by the Ministry to further develop resettlement in Portugal.

The following changes occurred from 2007/2008 on:

- **Portugal**, which accepted an intake of 33 refugees on an *ad hoc* basis from January 2006, then launched a programme in 2007 to receive 30 refugees a year, and formalised its commitment through the adoption of a legal provision in 2008. Though Portugal never formally responded to the November 2008 Conclusions, it accepted an urgent case of one Iraqi family of five who arrived in September 2008 and another Iraqi family who were resettled from Syria in 2009.

<sup>28</sup> *Ibid.* p.24

<sup>29</sup> Interview with Martina Glennon, *op.cit.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Written interview with Ewout Adrians, CGRS-FEDASIL, 4 May 2012.

<sup>32</sup> Written interview with the Portuguese Ministry of Internal Affairs, February 2012.

- Beside its 'IRAK 500' programme, **France** concluded an agreement with the UNHCR in 2008 to engage in programme-based resettlement for one hundred files per year. *'If the Iraq issue was an incentive to engage in resettlement, the development of resettlement in the EU might have had a positive impact too on the French commitment. France was about to take the presidency of the EU (second half of 2008) and prepared the asylum and immigration European Pact that included provisions on resettlement and intra-EU relocation. It has to be underlined as well that, in 2007, the number of asylum seekers was the lowest of the decade (ca 35 000 applications). It might have dispelled a certain reluctance regarding the reception of further refugees. Finally, advocacy by Forum réfugiés and France terre d'asile might have had an impact too.'*<sup>33</sup>
- In the multi-year plan of the ERF 2008-2011, **Spain** presented a proposal to accept 150 refugees, 50 per year. In 2009, Madrid revised its law regulating the right to asylum and subsidiary protection and made a specific reference to the prospect to establish a resettlement programme in cooperation with the UNHCR and other relevant bodies. It also engaged in a resettlement programme during the subsequent years but eventually did not implement its resettlement programmes.
- In the **UK**, the annual quota was increased coinciding with the November 2008 Conclusions in 2008/2009 which brought the annual total from 500 to 750 refugees.  
This is all the more on the Eastern side of the EU that the formal commitment is the most impressive:
- **Hungary** and **Slovenia** included a reference to resettlement in their respective laws in 2007.
- The **Czech Republic** launched its resettlement programme in June 2008 and resettled nine Burmese families in October 2008 and February 2009. Twelve other Burmese families were resettled during 2010.<sup>34</sup>
- In **Romania**, a Government Decision taken in 2008 on the Resettlement of Foreigners provided for resettlement and stated that 120 refugees would be resettled during the period 2008-2010. Only 38 refugees were resettled in the context of this provision, representing the quota due on 2009 and the programme was subsequently suspended. Resettlement was fully funded by the ERF.<sup>35</sup> The quotas due on 2008 and 2010 have not been fulfilled due to the delayed approval of Government Decision no. 1596/2009 on the resettlement of refugees in Romania, as well as due to the economic and social situation resulting from the global economic crisis.<sup>36</sup>
- After joining the ACTR in 2007, a twinning project with Ireland in the following two years and a twinning project with the Netherlands in 2009, **Bulgaria** established an intergovernmental Taskforce on Resettlement in 2010. The objective of this Taskforce was to create a draft pilot resettlement programme to be implemented in 2013.

At the end of this period, a new one starts with similar incentives, i.e. group resettlement and financial support, being applied in the context of a new refugee crisis.

<sup>33</sup> Interview with Matthieu Tardis, France Terre d'Asile, April 2012.

<sup>34</sup> Petr Novak, Ministry of the Interior of the Czech Republic, Know Reset Final conference, Brussels, 10 July 2013.

<sup>35</sup> Written interview with the Romanian Office for Immigration (ROI), 23 January 2012.

<sup>36</sup> *Ibid.*

### c) The 2011/2012 Turning Point

#### *The Refugee Crisis in the Mediterranean and Group Resettlement Initiatives*

In 2011, a mass influx of refugees began to flow into Tunisia and Egypt as a result of the conflict in Libya. In February 2011, the UNHCR made a global call for places for resettlement from Tunisia and Egypt. On the 2<sup>nd</sup> of March 2011, the UNHCR organised a conference of resettlement States and other interested countries. That conference resulted in the launching of the Global Resettlement Solidarity Initiative for refugees ex-Libya to ease the burden on Tunisia and Egypt which had received tens of thousands of refugees. Resettlement was presented as a way to ensure that vulnerable persons did not risk dangerous boat journeys across the Mediterranean. The European Commission reacted to the calls made by the UNHCR by inviting experts from the Member States to a “resettlement experts meeting on refugees stranded in Libya” on the 28<sup>th</sup> of March 2011.<sup>37</sup> The JHA Council of 11-12 April 2011 argued favourably for the extension of Regional Protection Programmes and claimed that it had the objective of alleviating protracted refugee situations, notably through enhancing refugee resettlement. The European Commission asked Member States to transfer their annual quotas from the countries that they had already pledged to North African countries, if they could not provide new resettlement places as the UNHCR and the European Commission requested of them. On the 12th of May 2011, Commissioner Cecilia Malmström convened a Ministerial Conference, co-chaired with the Hungarian Presidency, to discuss and review commitments and pledges from the Member States and the Associated Countries in respect of the extension of the pilot project in Malta for the relocation to other Member States of persons who were beneficiaries of international protection and the resettlement to Europe of refugees stranded in North Africa. The Conference was organised as a concrete implementation of the solidarity statements included in the Council Conclusions of April 2011.<sup>38</sup>

In July 2011, the UNHCR stated that twelve countries had pledged 900 places. Almost one third were offered in addition to annual resettlement programmes or were an *ad hoc* contribution. Yet, at the end of June, the UNHCR submitted more than 1,000 refugees for resettlement and 80 departed for the ETC in Romania for processing by resettlement countries.<sup>39</sup> In July 2012, according to the UNHCR, twelve countries worldwide had pledged 1,700 dedicated resettlement places, this figure does not include the United States of America which offered an open-ended number of places. 5,500 refugees were submitted for resettlement worldwide and 1,270 refugees departed for resettlement directly and through the ETCs.<sup>40</sup>

#### *The Joint EU Resettlement Programme (JEURP)*

A proposal to establish a Joint EU resettlement Programme was tabled in September 2009 under the Swedish Presidency. The aim was to increase the EU’s humanitarian impact, to integrate resettlement into external relations policy, to streamline actions of Member States and to make them more cost effective.<sup>41</sup> The proposal remained in limbo between institutions mainly because of the annual priority setting and because of an argument between the Council and the Parliament about which decision procedure to use in connection to the implementation of the Lisbon Treaty.

<sup>37</sup> Interview with Ewout Adriaens, *op.cit.*

<sup>38</sup> [http://europa.eu/rapid/press-release\\_MEMO-11-295\\_en.htm?locale=fr](http://europa.eu/rapid/press-release_MEMO-11-295_en.htm?locale=fr) Memo/11/295, 13/05/2011

<sup>39</sup> UNHCR Projected Global Resettlement Needs 2012, July 2011, p.10, <http://www.unhcr.org/4f0fff0d9.html>

<sup>40</sup> UNHCR Projected Global Resettlement Needs 2013, July 2012, p.11, <http://www.unhcr.org/5006aff49.html>

<sup>41</sup> Communication from the Commission to the European Parliament and the Council of 2 September 2009 on the establishment of a joint EU resettlement programme [COM(2009) 447 final]

On 29 March 2012, the European Parliament voted on the Joint EU Resettlement Programme, already approved by the Council. Decision 281/2012/EU of 29 March 2012 amended Decision 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows.’

This decision determined common EU resettlement priorities for 2013 and announced an increase in the financial assistance that Member States would receive from the European Refugee Fund for the resettlement of refugees. In addition to this, that decision also provided for the following changes:

- The ERF used to only fund the resettlement of refugees from outside the EU to Member States but now also funds relocation between Member States.
- The general rule is that Member States will receive a lump sum of 4,000 Euro for each person resettled according to the agreed priorities. Member States who apply for financial support from the European Refugee Fund for the first time will receive a lump sum of 6,000 Euro per resettled refugee.

Additional funding is also available for those Member States which have not previously or have only once received ERF funding for the resettlement of refugees. Those Member States will get a lump sum of 5,000 Euro per resettled person. This is particularly relevant for the countries that have not yet received ERF funding, or have only received it once and have expressed an interest in undertaking resettlement, most notably, Belgium, Bulgaria, Germany, Hungary, Luxembourg, Poland and Romania. Italy and Spain have made ERF pledges in the past, but have not fulfilled these, and in that case would still be eligible for the extra funding.<sup>42</sup>

- The JEURP widens the categories of refugees whose resettlement is supported with EU funding in 2013. The amendment to the ERF adds specific vulnerable groups and geographic priorities to the existing categories of refugees whose resettlement is funded under the ERF.

To facilitate the calculation of funding needs through the European Refugee Fund for 2013, Member States were asked to provide the Commission with an estimate of the number of persons per category they planned to resettle in 2013.

The European Commission continued to fund a number of projects to support and enhance practical cooperation relating to resettlement in the EU, such as ‘Practical cooperation in EU resettlement’ jointly implemented from 2010 onward by the ICMC, IOM and the UNHCR and ten Member states (Belgium, France, Hungary, the Netherlands, Poland, Portugal, Romania, the United Kingdom, Slovakia and Sweden). ‘Paving the way - a handbook on the Reception and Integration of Resettled Refugees’ was produced in 2011 within the framework of this project.<sup>43</sup>

‘Linking in EU Resettlement’, launched in September 2011, aims at further developing the achievements of the practical cooperation project.<sup>44</sup> It aims to strengthen the expertise of European practitioners at all stages of resettlement and the integration process, including the capacity of municipalities and civil society. It focusses on the reception and integration of refugees at the local level and linking the pre-departure and post-arrival phases in order to make resettlement more successful.

Also significant is the establishment of an EU Resettlement Network, an initiative co-funded by the European Refugee Fund and involving IOM, the UNHCR and the ICMC. The objectives of the network include the promotion of information exchange, collaboration, and policy development.

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<sup>42</sup> Written interview with UNHCR Hungary, April 2012.

<sup>43</sup> See : <http://www.icmc.net/pubs/paving-way-a-handbook-reception-and-integration-resettled-refugees>

<sup>44</sup> <http://www.resettlement.eu/page/linking-eu-resettlement-project>

Activities undertaken by the Network include stakeholder meetings, training for practitioners and pilots of innovative activities.<sup>45</sup>

### *Impact at National Level*

The UNHCR and the EU's call to resettle refugees from the Shousha camp in Tunisia was responded to by Belgium, Germany, Hungary and Spain. Ireland also resettled some refugees from Tunisia within the existing quota, as well as Portugal and Sweden. Again, group resettlement initiatives with financial support were key incentives in convincing Member States to commit to resettlement both in responding to the refugee crisis and in making a strategic use of resettlement and thus utilising resettlement in a more sustainable fashion. Indeed, Belgium, Germany and Spain took the opportunity to engage in programme-based resettlement.

The following changes occurred in 2011/2012:

- In 2011, **Germany** agreed to launch a resettlement programme from 2012 on, planning to resettle 900 refugees over three years. 195 refugees were resettled from the Shousha camp to Germany in September 2012, and 105 Iraqi refugees arrived from Turkey in October 2012.
- In preparation for the European Commission meeting on 28 March 2011, the inner cabinet of the Belgian federal government decided on 24 March 2011 to resettle 25 African refugees who fled from Libya to Tunisia after the outbreak of the revolution. Furthermore, the new Belgian government agreement of December 2011 stated that **Belgium** would participate in resettlement programmes on a European level. Belgium pledged to resettle 100 refugees in 2013.
- In 2012, **Spain** resettled 80 refugees from the Shousha camp and renewed its engagement to resettle on a programme-basis in 2013-2014, 30 refugees a year. Already at the end of the 1990s, UNHCR announced that Spain was among the newly emerging resettlement countries.<sup>46</sup> It was then removed from this list since Spain never implemented any programme. In 2008, it presented a proposal to accept 150 refugees over three years, but this provision was never carried out.<sup>47</sup> During the subsequent years, the Council of Ministers approved an annual programme and even raised the quota from 75 refugees planned in 2010 to 100 refugees planned in 2011. None of these programmes have been implemented. Nevertheless, in 2012, the Spanish Council of Ministers again approved an annual resettlement programme for 2013-2014 and also resettled refugees from *Eritrea, Sudan, and Somalia* in July 2012 in response to a call made by the UNHCR. Instead of considering the latter resettlement as an ad hoc resettlement which it seemed to be, Spain claimed that it was based on the 2009 Asylum law and counted within the quota approved for 2011.
- **Poland** reformed its Aliens Act in 2011 which now refers to resettlement. The UK has been developing a twinning arrangement with the Polish government to support them in their aspirations to become a resettlement country
- **Romania** adopted a new programme. In 2012, a Government Decision was proposed for the Amendment of the 2008 Government Decision on the Resettlement of Refugees in Romania and set the number of refugees to be resettled over two years (2012 and 2013) at 40.

<sup>45</sup> *Refugee Resettlement: 2012 and Beyond*, op.cit. p.20

<sup>46</sup> Joanne van Selm, Tamara Woroby, Erin Patrick, Monica Watts, *The feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the Common European Asylum System and the goal of a Common Asylum Procedure*, Migration Policy Institute, Tender n°. DG.JAI-A2/2002/001, 2003, executive summary, p.vii

<sup>47</sup> Written interview with an advisor to the Spanish Ministry for Employment and Social Security, also the former sub-director for Immigration, under the Office of the Secretary of State for Immigration and Emigration, April 2012.



- The Hungarian Government announced its decision to become a resettlement country in October 2010 and confirmed its commitment through a pledge submitted to the Ministerial Conference organized by UNHCR in Geneva in December 2011. In response to the “Arab spring” in 2011 a Governmental Decision (No. 1139/2011) was adopted on the launch of an asylum solidarity programme in relation to the situation in North Africa. On this basis, **Hungary** intended to focus its resettlement commitment to the North-African region.<sup>48</sup> Hungary promised to resettle a family of five to eight persons in 2012-2013 as a pilot programme but eventually resettled only one refugee.
- **In Bulgaria**, the instability of the government as well as practical difficulties had postponed the official launching and the implementation of the resettlement programme prepared since 2010.<sup>49</sup> Yet, in June 2012, the political decision on the submission of a pilot resettlement quota of 20 persons in 2013 was adopted. Unfortunately, the application for EU funds was deposited after the deadline.
- **Slovenia** promised to resettle on a programme-basis in 2014.

For some Member States, the **EU’s financial incentive is determining** their commitment. In Belgium, the 2011 decision was, like in 2009, conditional upon securing European funding. *‘The choice of countries has until now not been based on strategic choices connected to Belgian Foreign Policy. In 2011 the decision was made to resettle from Tunisia and not Egypt for a pragmatic reason: European funding was only available for “urgent resettlement”, while in Egypt UNHCR focused on resolving the “protracted refugee situation”’*<sup>50</sup>. The European Commission indeed included “urgent resettlement” in its annual priorities for the ERF programme for community actions for 2011 through which up to 90% of the operation could once again be financed by Europe.

**Being part of a joint effort is also a clear motivation.** For Belgium, participating in worldwide and EU operations is a key incentive. This was the case when it resettled in 2009 and 2011.<sup>51</sup> This is also true of Bulgaria<sup>52</sup> and Italy. The Italian government has been involved in discussions with the UNHCR regarding the closure of the Iraqi refugee camp named Camp Ashraf and the resettlement of the Iranians refugees that were hosted there. It seemed that Italy was not going to bind itself unless others were willing to join<sup>53</sup> - the general attitude of waiting unless others follow shows that resettlement probably would be more efficiently organised at the European level as it would automatically involve burden sharing among Member States and therefore they might be more willing to cooperate in such a context. In Romania, *‘the Government’s decision to get involved in the resettlement of refugees process was influenced by the political will of strengthening Romania’s status as an important global partner by undertaking efforts and responsibilities incumbent upon the international community in the area of refugee protection. Since the resettlement of refugees plays an important role in the EU’s external policies on asylum, the involvement of Romania in the resettlement programme was driven also by the desire to assume its obligations as an EU Member State.’*<sup>54</sup>

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<sup>48</sup> Interview with UNHCR Hungary, *op.cit.*

<sup>49</sup> Anna Andreeva, Bulgarian State Agency for Refugees, Know Reset Final Conference, Brussels, 10 July 2013.

<sup>50</sup> Interview with Ewout Adriaens, *op.cit.*

<sup>51</sup> *Ibid.*

<sup>52</sup> Anna Andreeva, Know Reset Final Conference, *op.cit.*

<sup>53</sup> Phone interview with the head of unit VII of the Bilateral and Multilateral Cooperation in Migration, International Protection and International Adoptions, DG Italians abroad and migration policies at the Ministry for Foreign Affairs, February 2012.

<sup>54</sup> Written interview with ROI, *op.cit.*

An evolution has occurred in resettlement law and policy and has led to Member States increasingly committing to resettling refugees. However, an extension of the commitments in resettling refugees in the EU is not linear and does not necessarily mean that the number of refugees resettled in the EU will steadily rise. As mentioned above, some commitments may be postponed, not implemented or revised.

## 2.2 The Development of a Formal Basis for Resettlement in the EU

The adoption of a legal basis for resettlement was not considered as necessary by many stakeholders, as resettlement is a voluntary practice rather than a legal duty. Numerous stakeholders insist that the resettlement decision is political. The impact of changes in governments on State involvement in resettlement confirms the political nature of the decision to resettle. This was the case recently in both Bulgaria and Belgium. Yet, for Oskar Ekblad, Head of Resettlement Activities in Sweden, a barrier for many EU countries seems to be the lack of necessary legislation.<sup>55</sup> During the past decade, most of the resettlement countries have undertaken to formalise their practice or prepare a future practice with the adoption of a formal framework.

Thirteen EU Member states now refer to refugee resettlement in the law governing Aliens and/or Asylum<sup>56</sup> and fifteen have adopted government acts. Among these, sixteen<sup>57</sup> have already effectively resettled and thirteen have resettled on a programme-basis (see Annex 1). The legal framework is very diverse from one EU Member State to another. Besides, the existence of a formal basis does not imply the effective practice of resettlement and its absence does not prevent a Member State from resettling.

Although they have a formal basis to do so, Slovenia and Bulgaria have not yet resettled any refugees while Poland has resettled without using the legal basis relating to resettlement. Contrary to this, Scandinavian countries have long had the experience of resettlement before they undertook the step of adapting their legislation accordingly. The Netherlands have not included any resettlement-related provision in their Aliens law despite the fact that that State has been resettling for over forty years.

Most of the ‘new’ Eastern EU Member states have adopted a specific provision related to resettlement: the Czech Republic, Hungary, Poland, Romania, Slovenia. The Baltic states, on the other hand, are reluctant to join any resettlement activity. Those five ‘new’ Member States have taken the opportunity of adapting their asylum legislation for the EU *acquis* to introduce a reference to resettlement. As far as Bulgaria is concerned, no provision has been introduced in law but in 2010 a Intergovernmental Task Force on Resettlement (RWG) was created, with the objective of creating a draft pilot resettlement programme. It required two years before the Council of Ministers issued a decision in 2012 to launch the Pilot Resettlement Programme to be implemented in 2014. In terms of implementation, only the Czech Republic has effectively undertaken its resettlement programme. Romania has been only able to resettle for one year, 2008, out of the three years initially planned. Despite a specific provision introduced in 2007, Hungary has not resettled any refugee up to 2013 when it resettled one person. Slovenia has not resettled yet and Poland has not resettled on the basis of the legal provision introduced in 2011.

Those new Member States were approached by the UNHCR, which used accession to the EU in order to advocate for refugee resettlement in countries, which were eager to show their good will and commitment in EU and international affairs. They are also particularly motivated by the financial

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<sup>55</sup> Phone interview, *op.cit.*

<sup>56</sup> Czech Republic (1999), Denmark (2005), Finland (2004), Germany (2004), Hungary (2007), Poland (2011), Portugal (2008), Ireland (1996), Romania (2006), Slovenia (2007), Spain (2009), Sweden (2005), UK (2002).

<sup>57</sup> Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Portugal, Ireland, Romania, Spain, Sweden, the UK. And even eighteen if we add Hungary which planned the resettlement of one family in 2012-2013 and eventually resettled one person, and Poland which resettled 16 persons through a personal spontaneous initiative of its Prime Minister in 2011.

incentives introduced by the EU which explains the wave of commitments after the adoption of the ERF for the period 2008-2013. Indeed, while the lump sum granted to States upon resettling a refugee may seem low and insufficient in Member States with a high cost of living, it is considered as being important in countries where the receiving and integration capacity is a work in progress.<sup>58</sup> In contrast, the Irish management team argues that *‘resettlement cannot be based on an “incentive” because there are costs to the State not just first year costs but ongoing costs for many many years. For medical cases the costs can be serious but it is a decision to save a life. The incentive to resettle has, first and foremost, to be humanitarian. People, and particularly children are living in dire circumstances and they are in need of an opportunity to build a life. The EU gives €4,000 per head for taking from their RPPs (Regional Protection Programmes) and other vulnerable groups. It is good to get it but it would not be a reason to join.’*<sup>59</sup>

Only a few other Member States have adopted a specific provision to prepare for a commitment to resettlement: this was the case of the UK, which changed its legislation in 2002 and started a programme in 2004; the same for Ireland, which introduced a provision in 1996 and started a programme in 1998.

The law sometimes comes afterwards. In Portugal, the 2007 programme was launched by a Resolution of the Council of Ministers, and its sustainability was confirmed by the corresponding revision of Asylum law in 2008. The Scandinavian countries have inserted some references to resettlement in law during the 2000s, long after their programmes had started.

In a majority of EU Member states, the formal basis for resettlement has primarily and exclusively come from the executive authorities rather than from the Parliament. This confirms the voluntary, and thus political dimension of resettlement. The commitment in refugee resettlement is seen as a governmental decision, in addition, it is based upon political considerations more than any legal obligation.

Moreover, a legal reference to resettlement is generally accompanied or followed by executive measures, in order to specify the conditions in which resettlement shall be undertaken: the quota (Ireland, Slovenia) and sometimes the target (Czech Republic) or geographical allocation of resettlement (Finland, Sweden). Some executive measures are the basis for an *ad hoc* resettlement in response to a specific call for resettlement. This was specifically the case in 2009 in response to UNHCR’s call related to the Iraqi refugee crisis (Belgium, Germany) and in 2011 in response to the refugee crisis in Libya (Belgium, Germany, Hungary). In some other states, an executive measure is taken to shape a programme, like in Bulgaria.

Nine EU Member states have absolutely no formal basis for resettlement and for some of them, this is clearly linked to a refusal to commit to resettlement. With the exception of Austria and Luxembourg, all of these states are situated at EU’s external borders: the three Baltic states (Lithuania<sup>60</sup>, Estonia, Latvia), plus Greece, Italy, Malta and Cyprus. They invoke certain socio-economic difficulties (Baltic states) and in the reception of aliens (Greece, Malta, Cyprus, Italy) to refuse resettlement. Instead, the latter have called for the relocation of refugees from their territory to other EU Member states. The absence of legal basis however did not prevent Austria and Luxembourg to resettle some refugees on an *ad hoc* basis. Yet, Austria considers the reception of 31 Iraqis in 2011 as being the Church’s initiative and as a humanitarian evacuation. Luxembourg resettled 28 Iraqis in

<sup>58</sup> Anna Andreeva, Final Conference, *op.cit.*

<sup>59</sup> Interview with Martina Glennon, *op.cit.*

<sup>60</sup> According to the representative of the Migration Department, the Lithuanian position on resettlement issue is clear – Lithuania is in favour of participation in resettlement programmes only on voluntary basis and refuses to take a part in any such programmes. Communication with the representative of the Migration Department, 18<sup>th</sup> of November 2012.

2009. In Slovakia, according to a recent political resolution,<sup>61</sup> resettlement is expected to begin in the future years, it is also committed to relocation and to humanitarian reception through its ETC.

France and Italy are interesting examples of by-passing a lack of basis for granting asylum outside the territory. The lack of national legislation explains the need for a subsequent post-arrival process for resettled refugees to obtain a status. In both countries, the procedure of resettlement has to start abroad. In Italy, the Ministry of Internal Affairs must first agree to the resettlement project and allow the Ministry of Foreign Affairs to issue visas to the selected refugees so that they can apply for refugee status once on Italian soil. In normal circumstances, issuing a visa to someone requesting asylum is prohibited and considered as being favourable to irregular migration.<sup>62</sup> On Italian soil resettled persons can ask for refugee status and the request is assessed, and generally confirmed, through priority procedures by the relevant Territorial Commission. Similarly, in France, the government has committed, through an agreement with the UNHCR concluded in 2008, to annually resettle a hundred cases on a dossier-basis. Yet, it gives OFPRA (Office Français Pour les Réfugiés et Apatrides) the responsibility to grant the refugee status on the basis of the resettled persons' application when they arrive in France.

While legal and other formal basis enabling refugee resettlement have been adopted in a growing number of EU Member States, the different provisions relating to resettlement are all country specific. There is no standard model shared in the EU. Those provisions can be divided between those which mention the UNHCR and those which do not; those which specifically mention the word 'resettlement' and those which do not; those which address the possibility to resettle without any details and those which specify the procedures to follow and/or the rights granted. Paradoxically, the countries which detail resettlement the most are also the countries which have not resettled yet, such as Poland and Slovenia.

The diversity in the formal basis for resettlement is even greater in substance, when looking at the content of resettlement frameworks and policies in the EU Member States.

### 3. Diversity in the Content of Resettlement Frameworks and Policies

While 'being part of the club' is a key motivation for Member States getting engaged in refugee resettlement, Member States are extremely unreceptive to any proposal to harmonise the selection of refugees to be resettled. The ERF is a way in which the selection of refugees may be influenced. Nevertheless, the EU is unlikely to develop a common selection procedure nor is it likely to reach an agreement as to how to divide the resettled refugees amongst Member States. Even more problematic is the diversity in the status and rights granted to the resettled persons and the integration capacity of Member States.

#### 3.1 Diversity in Selection Criteria and Procedures

The UNHCR has developed standards to identify and select the refugees who are most in need of protection. EU funding instruments have partly supported those standards.

According to UNHCR Resettlement Handbook, 'Refugee status determination is a precondition to resettlement.'<sup>63</sup> The 1951 Convention and its Protocol constitute the primary refugee protection instrument which provides the definition of a refugee. The UNHCR was initially established to seek

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<sup>61</sup> Migration Policy of the Slovak Republic- Perspective until the year 2020, 31 August 2011

<sup>62</sup> Interview with Counsellor Fiammetta Milesi Ferretti, agent for the Ministry of Foreign Affairs on the National Commission for Refugees (Commissione Nazionale per il diritto d'asilo), 5 May 2012.

<sup>63</sup> UNHCR Resettlement Handbook 2011 p.21.

solutions for refugees, as they were be defined in the 1951 Convention.<sup>64</sup> On the basis of the ‘soft law’ which has made refugee law evolve, through Declarations and Resolutions adopted at inter-state level on the one hand, and regional legal instruments adopted in Africa (the 1969 OAU Convention governing the specific aspects of Refugee Problems in Africa) and in Latin America (the 1984 Cartagena Declaration on Refugees) on the other hand, the UNHCR has extended its mandate to persons affected by the indiscriminate effects of armed conflict or other events which have seriously disrupted public order: *‘In addition to individuals who meet the criteria in the 1951 Convention definition, UNHCR recognises as refugees persons who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.’*<sup>65</sup>

Resettlement applied to refugees falling under one or more of the UNHCR Resettlement Submission Categories :<sup>66</sup>

- Legal and/or physical protection needs of the refugee in the country of refuge (this includes a threat of refoulement);
- Survivors of torture and/or violence, where repatriation or the conditions of asylum could result in further traumatization and/or heightened risk; or where appropriate treatment is not available;
- Medical Needs, in particular life-saving treatment that is unavailable in the country of refuge;
- Women and Girls at Risk, who have protection problems particular to their gender;
- Family Reunification, when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or continents;
- Children and Adolescents at Risk, where a best interests determination supports resettlement;
- Lack of Foreseeable Alternative Durable Solutions, which generally is relevant only when other solutions are not feasible in the foreseeable future, when resettlement can be used strategically, and/or when it can open possibilities for comprehensive solutions.

Some EU Initiatives have come in support to UNHCR resettlement standards and policies.

The EU considers and funds resettlement operations only when they follow the UNHCR’s requests (Decision No 573/ 2007/EC (Article 3 (1) (d)). The transfer of refugees from a third country to an EU country would not be considered resettlement and funded as such if it is carried out independently from the UNHCR. The EU also supports the resettlement of specific categories of vulnerable persons on the basis of the UNHCR’s selection criteria and prioritizes the resettlement of some refugee groups identified by the UNHCR as being in urgent need of group resettlement.

Decision 281/2012/EU of 29 March 2012 amending Decision 573/2007/EC has extended the funding of resettlement to the following categories of vulnerable groups:

- women and children at risk,
- unaccompanied minors,
- survivors of violence and/or torture,

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<sup>64</sup> ‘A refugee is any person who ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it’.

<sup>65</sup> UNHCR Resettlement Handbook 2011 p.19.

<sup>66</sup> *Ibid.*, p.37.

- persons having serious medical needs that can be addressed only if they are resettled,
- persons in need of emergency or urgent resettlement for legal and/or physical protection needs.

The amended ERF also prioritizes the resettlement of persons from a geographical location on the list of common priorities. For 2013, this list includes: Congolese refugees in the Great Lakes Region (Burundi, Malawi, Rwanda, Zambia); Iraqi refugees in Turkey, Syria, Lebanon, Jordan; Afghan refugees in Turkey, Pakistan, Iran; Somali refugees in Ethiopia; Burmese refugees in Bangladesh, Malaysia and Thailand; Eritrean refugees in Eastern Sudan.

The amended ERF still funds resettlement of persons from a country or region designated for the implementation of a Regional Protection Programme, and these programmes have been extended. The first two Regional Protection Programmes targeted the Newly Independent States (NIS) (Ukraine, Moldova and Belarus) and the Great Lakes Region (Tanzania). They now also cover the Horn of Africa (Kenya, Djibouti and Yemen) and North Africa (Egypt, Tunisia and Libya).

### a) The Selection Process

During the last decade, most of the resettlement operations carried out in EU Member States have relied on UNHCR pre-selection, with some exceptions:

- In 2011, Austria resettled 31 Iraqis directly from Iraq where they had been selected by the Church, through representatives in Iraq of the archdiocese of Vienna. This operation was following the initiative of the Cardinal Christoph Schönborn.<sup>67</sup> The Austrian authorities emphasize that the resettlement activities of these Christians from Iraq were a humanitarian evacuation and not resettlement. Austria defines resettlement only those evacuations where refugees are evacuated from a third country and not from their country of origin.<sup>68</sup> The activities that have been carried out by Austria were an expression of solidarity and not a commitment to any further resettlement in the future.
- In 2011, on his way back from a visit to Tunisia, the Polish Minister of Foreign Affairs took a group of refugees on board of his plane, who after escaping from Libya, had found a temporary shelter in Tunisia.<sup>69</sup>

It should be noted that these two countries are not considered as being resettlement countries.

Apart from these isolated examples, EU Member States select the refugees to be resettled from a list referred to them by UNHCR. Yet, only six Member States refer to the UNHCR in their laws as one of the basis or as *the* basis of resettlement, i.e. Hungary, the Czech Republic, Denmark, Finland, Ireland and Spain.

Section 7§(5) of the Hungarian Asylum Law provides that the Minister may grant refugee status to an alien who was granted recognition as a refugee by the competent authorities of another country or the Office of the United Nations High Commissioner for Refugees. The Czech law, Section 90 (Chapter XII, Joint, Delegating and Temporary Provisions) is similar: *‘The Czech Republic may grant asylum to an alien without previous proceedings if he/she has been recognized as a refugee according to an international agreement by a decision of the Office of the High Commissioner (UNHCR).’* Also

<sup>67</sup> <http://www.bmeia.gv.at/aussenministerium/presenews/presseaussendungen/2011/ankunft-von-30-irakischen-christen-in-oesterreich.html> (February 2012).

<sup>68</sup> Interview with the Austrian Ministry of the Interior, 6 February 2012.

<sup>69</sup> Sources: Polish Ministry of Foreign Affairs - note available on the Ministry of Foreign Affairs website: [http://www.msz.gov.pl/en/news/foreign\\_minister\\_radoslaw\\_sikorski\\_brings\\_home\\_north\\_african\\_refugees](http://www.msz.gov.pl/en/news/foreign_minister_radoslaw_sikorski_brings_home_north_african_refugees) and in the press and radio: <http://www.polskieradio.pl/5/3/Artykul/387167,Sikorski-wroci-do-Polski-z-uchodzcamiz-Libii>; Interviews with Mrs Agnieszka Kunicka, Head of the Refugee and Repatriates Counselling Centre, Polish Humanitarian Action, and Mr Maciej Fagasiński, Amnesty International Poland, May 2012.

Section 8 of the Danish Alien Act: *‘Upon application, a residence permit will be issued to an alien who arrives in Denmark under an agreement made with the United Nations High Commissioner for Refugees or similar international agreement (...).’* Section 90 of the Finnish Act (Refugee quota) stipulates *‘Under the refugee quota, Finland may admit for resettlement persons considered refugees by UNHCR or other aliens in need of international protection (...).’* In the Irish Refugee Law, the following subsection was inserted in 2003: *‘The Minister may, after consultation with the Minister for Foreign Affairs, enter into agreements with the High Commissioner for the reception and resettlement in the State of refugees.’* The Spanish Law on a sylum makes specific reference to resettlement programmes in the First Additional Provision: *‘The protection framework envisaged under the present law shall apply to persons who gain entry to Spain through resettlement programmes developed by the Government, in conjunction with the UNHCR and in some cases, other relevant international organisations (...).’* (unofficial translation).

The other Member States do not mention UNHCR in their national laws.

When referring some cases to resettlement states, the UNHCR takes into account the preferences and criteria previously discussed with and indicated by the Member States. Then, resettlement States generally add their own selection process, either on a dossier-basis or through selection missions, and may search for certain criteria which the refugees must satisfy.

The selection process in different States is extremely diverse. Criteria and procedures vary from one country to another. They may also vary from one year/period to another.

While Luxembourg and Portugal have exclusively resettled on a dossier-basis, for some Member States, dossier selection has become the rule after experiencing selection missions. In Ireland, face-to-face interviews are considered as the best form of selection. *‘You get a feel for the people to be resettled, can gather specific information, correct bio data etc. hear stories of their experiences first hand, explore family links that are not always visible on the RRF. With this information you can better prepare for their arrival and reduce surprises for service providers. You also have the opportunity to dispel myths and reduce unrealistic expectations and answer questions through a short cultural orientation programme held in association with the interviews. We also talk separately to the teenagers, the women and men as separate groups so that each one could ask their specific questions. That can be very interesting and enlightening.’* Yet, Ireland conducted selection missions only from 2005 to 2008 *‘due to the reduced numbers (of resettled refugees) at the moment.’* *‘We too must be realistic about the benefits based on the costs and effort required by many organisations to organise such missions. The numbers we are currently taking do not warrant missions.’*<sup>70</sup>

Spain, which organised selection missions to Tunisia in 2011 and in 2012 to Syria, decided to base its 2013-2014 programme on dossiers. Italy only had selection missions in Iraq in 2009 to assess the local situation. Future resettlements to Bulgaria will be selected on a dossier basis.

Selection on a dossier-basis does not necessarily mean an easier and faster process. For instance, France refuses half of the dossiers submitted.<sup>71</sup> Around eighty percent of all refugees from Iraq selected were accepted through selection missions, and twenty percent were selected based on dossiers provided by the UNHCR. Selection missions enable the authorities to have a clear and more realistic idea of how refugees live in their country of first asylum. Yet, selection missions come in addition to interviews already carried out by the UNHCR and may be considered by refugees as being an endless and exhausting process.

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<sup>70</sup> Interview with Martina Glennon, *op.cit.*

<sup>71</sup> Matthieu Tardis, France Terre d’Asile, 31 May 2013.

Most of Member States use both selection methods. Among the *ad hoc* resettlement countries, Belgium selected on a dossier-basis from Tunisia in 2011 while it organised a selection mission to Syria and Jordan in 2009. *‘For reasons of objectivity and verification it was decided at the time that a selection mission was necessary and that a dossier-based selection was not desirable. An important reason for this was the specificity of the refugee population: a section of the nominated dossiers involved persons with possible ties with the Ba’ath-regime of Saddam Hussein. The interviews carried out on location delivered additional and relevant information, that made it possible for the CGRS to make final decisions in questionable or complex dossiers, in both a positive and a negative manner.’*

For the resettlement of Eritrean and Congolese refugees from the Shousha camp in Tunisia in 2011, a selection mission was also planned initially. *‘However, it was decided that this mission would be cancelled due to the deteriorating security situation in the Shousha camp and the subsequent request by UNHCR not to organise a selection mission. Because the protection need, primarily that of the Eritreans, was overwhelmingly clear and the RRF’s of UNHCR were in general sufficiently extensive and detailed for profound analysis of the credibility and the refugee criteria, the Secretary of State Wathelet decided to follow the advice of UNHCR. This dossier-based selection was evaluated as positive and after arrival no cases of abuse were established. Cost cutting and speed of execution are the most important advantages of dossier-based selection.’*<sup>72</sup>

The Czech Republic has opted for a policy of selection missions but dossier selection is still possible. Slovenia has taken the exact opposite stance for future resettlement. In Denmark and Finland, the rule is to select through missions but urgent cases can be selected through dossiers. Similarly, Belgium foresaw that if *‘it were to evolve to a resettlement country with a set programme, it would be possible for example to opt to reserve a number of places for dossier-based selection and urgent or emergency resettlement places. Another part of the quota, more specifically the priority groups, could then be selected through missions.’*<sup>73</sup>

In the UK, refugees are generally selected for GPP resettlement during selection missions. Some cases are considered on a dossier basis. In future, some interviews may be conducted using remote video conferencing facilities.<sup>74</sup> Finland accepts around one hundred emergency cases a year on a dossier basis as an exception to the normal procedure which is to organise selection missions conducted by MIGRI officials, representatives of Employment and Economical Development Centres and, if necessary, security officials. In recent years, local municipalities have also taken part in the missions.

The Netherlands, which suspended missions from 1999 to 2005, chooses a hundred refugees a year on a dossier-basis and four hundreds through missions. Sweden has a specific approach, and selects more than half of its quota through dossiers and less than a half through missions.

Four Member States have opted for a selection on a mission-basis only, namely Germany, Hungary, Poland and Romania.

Selection missions are conducted in countries of first asylum, but may also be organised in an ETC in Romania or in Slovakia. The UK for instance selected some Palestinians from Syrian/Iraqi border camps in the ETC in Romania in 2009.

Whether or not they select on a dossier or mission basis, some Member States may require the selected refugees to apply for their status after arrival. This is the case in France and in Italy, as already mentioned above. This decision has most likely been made on the basis of legal reasoning: the law does not allow the granting of status abroad. France *terre d’asile* notes that, even if OFPRA (the French Office for Stateless persons and Refugees) tries to examine the applications on an accelerated

<sup>72</sup> Written interview with Ewout Adriaens, *op.cit.*

<sup>73</sup> *Ibid.*

<sup>74</sup> Interview with Dave Atkinson, *op.cit.*



basis and always provides a positive answer, this additional application process has a psychological impact on the refugees. Added to this, the additional application process also represents extra work for integration stakeholders. The process of integration is also postponed.<sup>75</sup> In 2013, France made a number of commitments to reduce the obstacles that exist for refugees. As a result, resettled persons will not need to wait for their refugee stay permit – which takes months – before being able to access integration programmes, including French language classes. They will be able to sign their integration contract upon arrival. On top of this, OFPRA may no longer interview refugees and only apply a ‘transfer of protection’.<sup>76</sup> This is already the case in Belgium, where the resettled refugee, upon arrival in Belgium, must also go through the same steps as a regular asylum seeker even though this is merely a formality (i.e. no interview is carried out by the Immigration Service, nor by the CGRS).<sup>77</sup>

The post-arrival application process in addition to the pre-arrival selection process exists in nine Member States, i.e. Belgium, Italy and France as have been already mentioned, as well as the Czech Republic, Germany, Romania, Hungary and Poland where it is foreseen in the future. Finally, in Sweden the post-arrival application process is optional. The majority of those countries have committed to resettlement on a programme-basis. Only Sweden, among them, is a traditional resettlement country, and the post-arrival application process is not a requirement but a possibility. The resettled persons receive their permanent residence permit independently of their status. The status of refugees can enable the resettled persons to have better access to some rights, such as family reunification. The requirement of a post-arrival process is not based on the fact that resettled persons have been selected on a dossier-basis since Sweden, the Czech Republic, Germany, Hungary and Romania also organise selection missions. This additional application process still prolongs the road to protection for vulnerable persons who have already followed an extremely long process to be recognised as refugee by the UNHCR, then being selected by UNHCR to be resettled, then by the EU Member State in the country of first asylum. It is thus recommended to abandon this additional process or at least to make it optional like in Sweden.

## **b) The Selection Criteria**

Some resettlement states have advised the UNHCR that they are only prepared to accept refugees from certain locations or that they wish to exclude or favour certain categories of refugees. The UNHCR takes these profile restrictions into account when referring refugee cases to the different receiving States. In addition, those countries may add some other criteria in selecting refugees on a dossier or mission-basis. Those selection criteria thus vary from one Member State to another. They may be based on a series of national factors, that can be political, economic, legal, etc.

## ***Geneva Convention and Mandate Refugees***

Some Member States do not wish to depart from the refugee definition provided by the Geneva Convention and would not resettle refugees who do not meet its criteria. This is, for example, true in the case of the Czech Republic. This is also a legal requirement in Hungary (Asylum Law, Section 7§(5)). The Romanian Law (art.3(5)) similarly requires that resettled persons meet the requirements of the Geneva Convention. However, other Member States include the possibility to resettle persons who would meet the conditions to be granted subsidiary protection or humanitarian protection (e.g. Denmark, Finland, Sweden). In contrast, the Irish Refugee Act states that the person does not need to meet the definition of a refugee. In Section 24, “*A programme refugee*” means a person to whom leave to enter and remain in the State for temporary protection or resettlement as part of a group of persons has been given by the Government and whose name is entered in a register established and

<sup>75</sup> Matthieu Tardis, 31 May 2013, *op.cit.*

<sup>76</sup> *Ibid.*

<sup>77</sup> Interview with Ewout Adriaens, *op.cit.*

*maintained by the Minister for Foreign Affairs, whether or not such person is a refugee within the meaning of the definition of “refugee” in section 2.’ The wording of the Finnish Act is also quite open: Section 90 states that ‘Under the refugee quota, Finland may admit for resettlement persons considered refugees by UNHCR or other aliens in need of international protection’; Section 92 stipulates among the Requirements for admitting aliens into the country under the refugee quota, that ‘1) The alien is in need of international protection with regard to his or her home country, 2) The alien is in need of resettlement from the first country of asylum, 3) The requirements for admitting and integrating the alien into Finland have been assessed, 4) There are no obstacles under section 36 to issuing a residence permit.’*

ECRE advocates that ‘the determination of a protection status for resettlement within a European Resettlement Programme should be flexible, involving an inclusive interpretation of both the refugee definition in the 1951 Refugee Convention and of persons qualifying for subsidiary protection according to the EU Qualification Directive. Refugee Status Determination should also strongly (...) allow for resettlement to be extended to refugees recognised under the UNHCR mandate, including those recognised under the extended mandate.’<sup>78</sup>

As stated in the UNHCR Resettlement Handbook, ‘the prima facie group determination is more easily applied in States which accept a wider definition of a refugee that includes indiscriminate or generalised violence.’<sup>79</sup> Most of the Member States would actually accept the resettlement of persons who do not necessarily fulfill the Geneva Convention criteria but would correspond to the subsidiary protection or humanitarian protection criteria. Yet, the status granted to those resettled persons would thus very likely be less protective than refugee status.

### ***Group Resettlement and Strategic Use of Resettlement***

As mentioned above, the UNHCR has an active role in identifying “priority caseloads” for resettlement to orientate resettlement states’ attention on certain refugee situations.

Recently resettled groups have included: Liberian refugees from Guinea and Sierra Leone, Somali refugees from Kenya, Burundian refugees from Tanzania, Congolese refugees from Burundi, Eritrean refugees from Ethiopia, Eritrean refugees from Saudi Arabia, Afghan refugees from Tadjikistan, Uzbek refugees from Kyrgyzstan, Burmese refugees from Thailand and Malaysia and Bhutanese refugees from Nepal.<sup>80</sup> The caseloads identified for 2012 were: Iraqis in Jordan, Syria and Lebanon; Iraqis and Iranians in Turkey, Afghans in Pakistan; Afghans in Iran; Somalis in Dadaab Camp in Kenya; Colombians in South America; Eritreans in East Sudan; North Africans displaced from Libya.

The observation of national statistics clearly shows the participation of EU Member States to group resettlements and the sharing of the same groups among some Member States. Iraqi refugees have been resettled in eleven Member States, with the largest contributors being Germany, France, the UK and Finland. The same groups of refugees may be resettled over several years. Like Germany and France, the Netherlands has resettled Iraqis for many years from the early 1990s. In 2010, the Netherlands’ quota allocated 150 places for Iraqi refugees. Likewise in the UK, which had pledged that two-thirds of the 750 annual places would be reserved for Iraqis in 2008. The UK continued to resettle refugees from Iraq in 2010 and 2011.<sup>81</sup>

Burmese refugees have been resettled in Ireland, the Netherlands, the UK and have represented the largest number of resettled persons in the Czech Republic, Denmark and Finland during the past

<sup>78</sup> ECRE AD10/12/2008/ext/AB, ‘Concrete steps towards a European Resettlement Programme’, Brussels, 10 December 2008.

<sup>79</sup> *op.cit.*, p.19.

<sup>80</sup> *Ibid.*, p.57

<sup>81</sup> *10,000 Refugees from Iraq, A report on Joint Resettlement in the European Union*, *op.cit.*, pp.25, 27.

decade.<sup>82</sup> Congolese have been resettled in Denmark, the Netherlands, Portugal, Finland, the UK and Belgium; Bhutanese refugees have been received in Denmark and the Netherlands, and Afghan refugees have been resettled in Finland, Sweden and the Netherlands, among others.

A strategic use of resettlement can become part of a State's foreign policy. The Czech Republic explains the focus of its resettlement programme on the Burmese by the long-term support for the Burmese democratic movement. Burma has long been a priority country for Czech foreign policy – former President Václav Havel nominated Daw Aung San Suu Kyi for the Nobel Peace Prize.<sup>83</sup> The Netherlands is also deeply influenced in its choice of mission destinations by the potential to make strategic use of resettlement. In their view, resettlement should contribute to the improvement of refugee protection and resettlement and should be the final cornerstone of the three durable solutions (return, local integration in the region and resettlement). The Dutch mission to Sudan in 2012 is a good example of the strategic selection of a mission destination.<sup>84</sup> The Dutch Minister for Immigration and Asylum recently proposed that resettlement be used as strategically as possible with regard to the other objectives of the country's migration policy.

Among refugee groups, certain caseloads have been labelled “risky”, such as the Somalis in Kenya, and others have constituted “favoured” caseloads, such as the Burmese from Thailand. The latter are deemed to be a low security risk and are believed to have attributes that make it easier for them to adjust to life in the resettlement country. This has led to situations where resettlement states actively compete for some groups of refugees while ignoring others in equally vulnerable situations.<sup>85</sup> As a result, Afghans were the largest refugee population in 2011 but were ninth when it came to resettlement. The Burmese, on the other hand, were seventh in overall population size but second in terms of the numbers resettled. Some larger refugee groups (the Sudanese, Vietnamese, Chinese and Serbians) did not feature at all in the top ten resettlement caseloads whereas the largest resettlement caseload (the Bhutanese) is from a numerically small community.<sup>86</sup>

Bulgaria announced that the priority groups of its resettlement pilot programme would be Afghan and Iraqi refugees from Turkey,<sup>87</sup> which appear among the 2013 priority groups of the amended ERF. The financial incentive provided by the ERF evidently influences some Member States' contribution to group resettlement.

In Ireland, the preference is for group resettlement, particularly if there are five or more families from the same region where they can be a self supporting group. *‘Group resettlement allows us to place the refugees outside of the Capital in smaller communities without the risk of isolation. We tend to resettle individual cases in Dublin or Cork where they may find members of their own community. From an economy of scale point of view, group resettlement allows for the provision of a centralised reception, orientation and language training programmes post arrival to prepare the group for independent living. Service providers will be more inclined to engage in preparation activities for groups.’*<sup>88</sup>

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<sup>82</sup> See Know Reset graph here <http://www.know-reset.eu/?c=00693>

<sup>83</sup> Petr Novak, Know Reset Final conference, *op.cit.*

<sup>84</sup> Written interview with Janneke van Etten, Senior Policy Officer at the Ministry of the Interior and Kingdom Relations, Migration Policy Department, Asylum, Reception and Return. Answers provided in consultation with the Immigration and Naturalisation Service, the Central Body for the Reception of Asylum Seekers and the Ministry of Foreign Affairs, April 2012.

<sup>85</sup> *Refugee Resettlement: 2012 and Beyond*, *op.cit.*

<sup>86</sup> *Ibid* p.24

<sup>87</sup> Interview with Anna Andreeva, Bulgarian State Agency for Refugees, February 2012.

<sup>88</sup> Interview with Martina Glennon, *op.cit.*

In contrast, France does not currently want to engage in group resettlement. Indeed, a commitment such would imply a commitment in terms of capacity that France says it does not have.<sup>89</sup> Moreover, it decided not to respond to the UNHCR special Call for North Africa and explained to the European Commission that the reason was the “generosity” of France for the plight of refugees in the world as evidenced by the high number of asylum seekers.<sup>90</sup>

### ***Geographical/National Origin and Regional Protection Programmes***

Member States may have some preferences in selecting refugees from particular countries of origin or of first asylum. The preference for some national origin can be dictated by a search for continuity in the foreign communities already present in the receiving country. Some Member States believe that a sustained concentration of resettlement and reception on a particular group improves integration potential. In other words, if a State continues to resettle from the same group then an existing community is ready to welcome newly resettled refugees of that same group. Some Member States, like Portugal, favour a continuity in the origin of the refugees to be resettled. In Finland, the annual geographical allocation of the quota is also based on the need of continuity in the chosen refugee groups. France prioritized cases that have links with France or knowledge of French in the *Iraq 500* and EU relocation schemes – even if, in practice, NGOs did not notice that these refugees had specific links with France.

Then, the selection of refugees hosted in some countries of first asylum can be influenced by the development of Regional Protection Programmes (RPPs). The 2005 Communication which provided for RPPs<sup>91</sup> set out that RPPs should be brought forward with the intention of enhancing the protection capacity of the regions involved and better protecting the refugee population by providing durable solutions, one of which is resettlement. The Communication stated that the resettlement of refugees from countries covered by an RPP to EU Member States was seen as an important factor in demonstrating the partnership element of RPPs to third countries.<sup>92</sup> Since that 2005 Communication, RPPs have continued to be an important element in how the EU has approached resettlement. RPPs were again central to the landmark establishment of JEURP in 2009.<sup>93</sup> That Commission Communication stated that in RPPs which will be developed in the future, *‘resettlement should be more effectively incorporated and its implementation should be closely monitored.’*<sup>94</sup> The Council and Parliament’s Decision in 2013 on the EU’s resettlement priorities for 2013 further underlines the continued influence of RPPs in how the EU resettles.

The UK’s regional preferences are influenced by the situation of the RPP.<sup>95</sup> This is also the case for Belgium<sup>96</sup> and Portugal as additional European funding is available if resettlement takes place from a country/region where a Regional Protection Programme is in place.

Resettlement countries wish to favour the integration of the resettled refugees, not only at the post-arrival stage with integration tools but through selection. This can be done through opting for continuity in chosen groups, or through choosing certain UNHCR categories like women-at-risk and unaccompanied minors, who might be more expensive in a financial sense but are also more easily inserted into the receiving society.

<sup>89</sup> Matthieu Tardis, 31 May 2013, *op.cit.*

<sup>90</sup> Interview with Matthieu Tardis, *op.cit.*

<sup>91</sup> COM(2005) 388 final.

<sup>92</sup> Page 4, paragraph 7.

<sup>93</sup> COM(2009) 447 final.

<sup>94</sup> Page 10.

<sup>95</sup> Interview with Dave Atkinson, *op.cit.*

<sup>96</sup> Interview with Ewout Adriaens, *op.cit.*

### ***UNHCR Submission Categories and EU Priority Funding***

The role of European funding in targetting the categories of refugees to be resettled may be determinative in some Member States. In Portugal, the selection criteria for 2008-2013 followed the categories identified in paragraph 3 of Article 13 of the ERF. Cases accepted by the Government have been routed, so far, in legal or physical protection needs and in the absence of local integration prospects in the first country of asylum.<sup>97</sup>

While a recent research paper was wondering: ‘Why is it that the acceptance rate of submissions relating to women, children and adolescents at risk has the lowest acceptance rates when it can easily be argued these are some of the most vulnerable refugees?’,<sup>98</sup> this category of vulnerable refugees has been prioritised by several Member States and has also been prioritised by the ERF.

Belgium prioritized Palestinians and women-at-risk in 2009. In 2011, it favoured families with children and single women. The UK also decided on the resettlement of a small percentage for medical cases and a higher percentage for women-at-risk.<sup>99</sup> Most Iraqi refugees arriving in the UK through the GPP between the end of 2008 and 2010 were families, in addition to some cases of women-at-risk.<sup>100</sup> There are no so-called “important target groups” to be found in the Dutch policy, these depend on the mission destinations and as such can change on an annual basis. However, persons with traumatic experiences (victims of violence or torture), women “at risk” and persons with serious medical conditions do receive special attention.<sup>101</sup> Similarly, for France, protection needs are the main criteria for the Ministry and more particularly the lack of protection and integration prospects in the country of first asylum. Vulnerable groups such as women and children at risk, victims of violence and medical needs are prioritised.<sup>102</sup>

The proportion of resettled women (not only at risk) seems to be higher than the proportion of men. This is also the case in the refugee population as a whole in at least in five EU Member States where the information has been made available. In Belgium, women have accounted for 79% of the total of resettled people over the past decade. This figure stands at 60% in Portugal, 55% in Germany, 53% in Romania and 51% in the UK.<sup>103</sup>

In contrast, some categories of vulnerable persons, like elderly persons, may be deemed unlikely to integrate and therefore may not be accepted for resettlement. This is the case in Ireland. ‘*In the past a small number of unaccompanied older persons were accepted and while their safety and security was taken care of they were very isolated and lonely.*’ Rather, ‘many older people are admitted as a part of family units. They may eventually live apart but they benefit from the support of the family unit that accompanied them.’<sup>104</sup>

‘Likewise, in general, cases with serious mental health issues are not accepted. This is due to difficulties accessing appropriate services in the Irish Mental Health sector. Issues arise as many of the cases referred through resettlement have minority languages and it can be difficult to provide services through an interpreter that is not specifically trained to interpret in a mental health environment. Therefore, in the best interests of the applicant we do not accept persons with serious mental health

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<sup>97</sup> Interview with Internal Affairs, Portugal, *op.cit.*

<sup>98</sup> *Refugee Resettlement: 2012 and Beyond*, *op.cit.* p.28. The same report actually notes that since 2006 there has been a renewed focus on women and girls at risk.

<sup>99</sup> Interview with Dave Atkinson, *op.cit.*

<sup>100</sup> *10,000 Refugees from Iraq, A report on Joint Resettlement in the European Union*, *op.cit.*, p.26.

<sup>101</sup> Interview with the Dutch Ministry of Interior, *op.cit.*

<sup>102</sup> Presentation of the Head of the Asylum Service of the Ministry of Internal Affairs to a seminar on resettlement organised by France terre d’asile in June 2011, reported by Matthieu Tardis during his interview, *op.cit.*

<sup>103</sup> See the Know Reset graph here <http://www.know-reset.eu/?c=00691>

<sup>104</sup> Interview with Martina Glennon, *op.cit.*

issues.<sup>105</sup> In France too, authorities and social workers are making a link between the selection criteria, and the refugees' integration. Namely, they consider that vulnerable refugees (medical cases, aging refugees) are more difficult to accommodate and to integrate.<sup>106</sup>

Unlike the other Nordic countries, Sweden does not have special provisions for special categories like urgent medical cases.<sup>107</sup> Sweden prioritises maximum flexibility in filling the quota. It considers that, if a specific number of places is established for women for example then one has to deny places to this category after the ceiling has been reached. Moreover, if there are fixed places for a category e.g. unaccompanied minors, it can be difficult to find places for this category in municipalities.<sup>108</sup>

Strategies designed far in advance of programme resettlement can result in certain difficulties in responding to emergency situations. When a crisis develops, such as the situation that occurred when resettlement was urgently required for large numbers of refugees who had fled to Egypt and Tunisia from Libya in 2011, the response was extremely slow. On a macro level, it is relevant to note that during 2011, only 72.7% of cases that the UNHCR had submitted to Member States and that were deemed as having "emergency priority," were accepted. This compares to 86.1% of the "urgent priority" cases and 94.1% of the "normal priority" cases and reflects a situation where refugees with relatively lower protection needs have a greater chance of being resettled in a timely manner.<sup>109</sup>

Some Member States allocate part of their quota for urgent and emergency cases, like Sweden (350 places). Other countries such as Ireland do not have a reserved number of places for emergency resettlements, such cases are included in the quota. The UK, for its part, does not support the resettlement of refugees in emergency situations and argues that its policy is to provide help and advice in alleviating the situation in situ.<sup>110</sup> It considers that resettlement programmes are aimed at relieving the burden of refugees in protracted situations where resettlement is the only viable solution.

Some Member States resettle specific categories of refugees, independently of UNHCR and the EU priorities. Sweden for instance has an agreement with the International Criminal Court in The Hague to offer resettlement to Tribunal witnesses and their family members.

Denmark agreed in 2007 to resettle Iraqis, following an initiative by Danish soldiers in Iraq. It decided to resettle Iraqis who had formerly worked for the Danish Coalition forces in response to reports that the safety of a number of employees and their families was threatened because of their association with the troops. The decision to resettle preceded the withdrawal of Danish troops by approximately one month. International media sources reported that two hundred Iraqi aides and translators were secretly airlifted out of the southern region of Basra in July 2007. Likewise, in 2007, the British government began to resettle Iraqis that were formally locally employed (LE) with the British Armed Forces or civilian missions. The UK decided to reserve 600 of the 1,000 places allocated for Iraqis from the end of 2008 to March 2010 to LE and their dependants, provided they meet the UK resettlement programme criteria. The UK government stopped accepting LE Iraqi applications for resettlement in May 2009; although not all of those who were accepted had arrived. A smaller number of Iraqis, who were not former employees of the British Forces in Iraq, have been accepted for resettlement based on referrals from the UNHCR. In 2013, the UK announced the same priority for former locally-engaged staff in Afghanistan<sup>111</sup>.

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<sup>105</sup> *Ibid.*

<sup>106</sup> Interview with Matthieu Tardis, *op.cit.*

<sup>107</sup> Interview with Oskar Ekblad, *op.cit.*

<sup>108</sup> Phone interview with the Swedish Ministry of Justice, Division for Migration and Asylum Policy, 30 March 2012.

<sup>109</sup> *Refugee Resettlement: 2012 and Beyond*, *op.cit.* p.13.

<sup>110</sup> Interview with Dave Atkinson, *op.cit.*

<sup>111</sup> See for instance here <http://www.bbc.co.uk/news/uk-22620207>

National preferences for certain refugee categories, when they do not compete, can be complementary. From 2008, when refugees having fled from Iraq were resettled in EU Member States, some Member States opted to resettle Palestinians while others preferred Iraqis, most of the time on the basis of a pre-existing community in the country. The UK and Italy made Palestinians a resettlement priority in 2009, while Germany, Luxembourg and Portugal have not integrated Palestinians into their ad hoc or quota resettlement programmes for Iraqi refugees.

The objective of having a concerted approach to resettlement in the EU should not necessarily be to have the same targets in all the Member States, except when a group situation urgently needs to be resolved. Currently, despite the apparent diversity in selection criteria, there is a certain amount of common ground in relation to profile restrictions, which results in “competition” for the favoured caseloads while those in the excluded groups can be left out in the cold.<sup>112</sup> This situation is partly due to resettlement states’ focus on the ‘integration potential’ of refugees.

### ***The ‘Integration Potential’: A Criteria for Refugees or for the receiving society?***

One important consideration is the introduction of the so-called integration potential criteria into the selection process. It has been adopted by the Czech Republic, Denmark, the Netherlands, Finland, France, Germany, Slovenia. In Romania, the potential for integration was applied in 2008, but dropped in 2012 in the revised resettlement programme after discussions with the UNHCR. Denmark has even incorporated the integration potential criteria into legislation and added supplementary criteria of influence: language qualifications, education and work experience, social network, age, motivation.<sup>113</sup> The Dutch Minister for Immigration and Asylum recently proposed to the UNHCR that they select higher profile refugees such as human rights activists and academics.

Actually, several Member States which have committed to resettlement, expect a return on their investment. In Spain for instance, *‘the incentives could be to obtain some form of compensation for the participation in European Resettlement programmes, financial compensation alone would not be enough because these programmes should be co-financed by each EU Member State. Perhaps the selection of highly qualified/skilled persons who would be more likely to integrate into Spanish society may positively determine an eventual decision to resettle. The most important factors may include the necessity to obtain skilled workers suitable for the labour market of each country, as well as a profile of resettled people who won’t run up excessive expenses in the health care or social system of EU Member States.’*<sup>114</sup>

This is a reminder of resettlement policy after WWII, as explained by Sweden: *‘Resettlement in Sweden started in 1950, when the first annual refugee quota was set. To begin with, the Swedish refugee quota was a contribution to the international ambitions to empty the refugee camps in Europe after the Second World War. At the time, Sweden also suffered a labour shortage. In fact, nine out of ten of the collective transferred refugees between 1950 and until mid-1970’s were of working age and able-bodied. Sweden’s resettlement activities have since taken a humanitarian direction.’*<sup>115</sup> Today, Sweden does not use integration criteria, and *‘believes that the integration element can be evaluated in cases of labour migration but not in the case of refugees, where the need for protection should be decisive.’*<sup>116</sup>

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<sup>112</sup> *Refugee Resettlement: 2012 and Beyond*, op.cit. p.13.

<sup>113</sup> Section 8 (4) of the Aliens Act: In the selection of aliens issued with a residence permit under subsections (1) to (3), the aliens’ possibilities of establishing roots in Denmark and benefiting from the residence permit, including their language qualifications, education and training, work experience, family situation, network, age and motivation, must be emphasised, unless particular reasons make it inappropriate.

<sup>114</sup> Interview with an advisor to the Spanish Employment Ministry, op.cit.

<sup>115</sup> Interview with Oskar Ekblad, op.cit.

<sup>116</sup> Interview with Andreas Ollinen, op.cit.

While basing the selection of refugees on criteria that is supposed to favour integration rather than vulnerability is problematic, the frontier between both considerations can be tiny. In 2008, Germany was considering helping Iraqi refugees suffering religious persecution and sought specific measures to help Christian Iraqis. Since the Christians were persecuted because of their religion, governments easily argue that the reason for their selection was their particular vulnerability. Yet, choosing Christians instead of Muslims may also be motivated by some EU Member States' wish to limit the reception of a culture deemed to be a threat to the main culture of the country. In 2008, after much internal and external debate and negotiation involving UNHCR and the EU, Germany agreed to admit not only refugees from persecuted minorities but also vulnerable refugees with specific medical needs and female headed-households.<sup>117</sup> Likewise, in France, the *Iraq 500* programme was adopted by the President of the French Republic after a visit of the Minister of Foreign Affairs to Iraq and his meeting with a high representative of the Chaldean Catholic Church there in 2007. The scheme was first dedicated only to Christian Iraqis. Some organisations, including France terre d'asile, protested against the scope of this humanitarian programme and underlined the contradiction between, on the one hand, the target of the programme and, on the other hand, the principle of secularism and the protection grounds. Finally, the programme was opened to all "persecuted minorities."<sup>118</sup>

A specific situation that seems to particularly impact upon Eastern European countries is that most of them argue that refugees do not want to be resettled in their countries. Bulgarian experience with relocation, considered as a test for further resettlement, revealed that no refugee in Malta was ready to go to Bulgaria.<sup>119</sup> The refugees resettled in Romania in 2009 are said to have left the country after they received a residence permit. *'The group of 38 refugees resettled in Romania were extremely unhappy about their current situation and what they felt was a dire socio-economic condition compared to their lives in Malaysia, where there were plenty of jobs and good wages (...) The refugees claimed they had been given confusing information about their new home country by the Romanian authorities and UNHCR during the cultural orientation course prior to their departure. They criticized Romania for not being a good resettlement country and demanded that the UNHCR send them to the USA or a Nordic country.'*<sup>120</sup> Hungary had a similar experience. In 2007, it provided refuge to 29 Cuban nationals who were living on the US base in Guantanamo. The majority of the refugees had already left Hungary only a few months after arrival and settled down in Spain. Hungary has also participated in the EU relocation pilot project in Malta (EUREMA). The relocated couple spent only three days in Hungary before returning to Malta. Having assessed the reception conditions actually offered by Hungary the relocated couple found that they were not given what had been promised to them.

In Italy too, the Palestinian refugees resettled in Riace fled to Norway, where they are said to have received a more attractive social package and would have better socio-economic opportunities.<sup>121</sup> They were then brought back to Italy even though they were not brought back to Riace but were reinserted in other reception facilities in Italy. Italy considers that it is the lack of money available which led to the Palestinians leaving the country.

These countries actually share several gaps in their integration capacity and probably a lack of qualified resettlement/relocation planning that takes place before the arrival of the resettled/relocated

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<sup>117</sup> 10,000 Refugees from Iraq, A report on Joint Resettlement in the European Union, *op.cit.*

<sup>118</sup> Interview with Matthieu Tardis, *op.cit.*

<sup>119</sup> Anna Andreeva, Final Conference, *op.cit.*

<sup>120</sup> 2010 Participatory Assessment Report of UNHCR Being a refugee How refugees and asylum-seekers experience life in Central Europe, available online at <http://reliefweb.int/report/bulgaria/being-refugee-how-refugees-and-asylum-seekers-experience-life-central-europe>

<sup>121</sup> According to the Counsellor Milesi Ferretti, *op.cit.*



refugees.<sup>122</sup> Most of all, they share a problem of “managing refugees’ expectations” which is also underlined in France<sup>123</sup> despite the better integration capacity available there.

The 2012 Decision in Romania, which dropped the integration potential criteria, nevertheless requires refugees to express their consent to be resettled in Romania before being moved there. This option is the result of a misunderstanding on the part of the Romanian State as to the reasons why refugees leave the country post resettlement and as to the purpose of resettlement in the first place. The decision suggests that refugees should be grateful to be resettled in the EU, regardless of the situation that they find themselves in once they have been resettled. If there was better information as to the reception conditions available and as to life in the receiving country then expectations would be more realistic.<sup>124</sup>

Besides, *‘resettlement should not be about what the entrants can do for a country but more about what the country can do for them. The raison d’être for resettlement is and always should be protection. (...) Who is to say that people determined not to possess “integration potential” will not settle well? There is ample evidence that this need not necessarily be the case – providing refugees are given the right sort of assistance.’*<sup>125</sup> Resettling governments that focus on the ‘integration potential’ of refugees justify their position by claiming that it makes it easier to provide services and that integration will be more successful. These criteria, however, are hard to meet for displaced persons who were born in camps or who have been living there for a long time. They are also likely to rule out some of the most vulnerable refugees.

In selecting refugees for resettlement, the UNHCR urges countries not to use integration potential and other discriminatory criteria (e.g. family size, age, health status, ethnicity and religion). Such discrimination undermines the protection and needs-based approach to resettlement, creating inequalities and protection gaps, and limits access to resettlement for some of the refugees who are most at risk. The integration of refugees in a country of resettlement is therefore a separate consideration, which involves the refugees’ adaptation and active participation in the new society.<sup>126</sup>

Recently, the UNHCR has called for the resettlement of 2,000 Syrian refugees by the end of 2013. People with serious medical needs and the disabled are set as being resettlement priorities by the UNHCR.<sup>127</sup> The UNHCR announced that it will discuss the selection with each resettlement country to avoid the application of discriminating criteria such as religion. It has called the resettlement countries to be flexible in their selection criteria.<sup>128</sup>

*‘Instead of discussing the integration potential of refugees it might be useful to move forward to a focus on the integration capacity of (the receiving country). This way, the responsibility rests on the receiving country to ensure access to necessary support services in place to facilitate integration of arriving refugees.’*<sup>129</sup>

Yet, as stated above, the more EU Member States that are open to flexibility in selecting refugees, the more those States may provide flexibility in the status and rights granted to refugees. Indeed, recent resettlement experiences have led to the resettled persons being granted a temporary protection and rights that are not similar to those offered with the refugee status.

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<sup>122</sup> Interview with UNHCR Hungary, *op.cit.*

<sup>123</sup> Interview with Matthieu Tardis, *op.cit.* and Interview with the Ministry for Integration, Asylum Service, 3 April 2012.

<sup>124</sup> Interview with Matthieu Tardis, *op.cit.*

<sup>125</sup> *Refugee Resettlement: 2012 and Beyond*, *op.cit.* p.23.

<sup>126</sup> Interview with UNHCR Hungary, *op.cit.*

<sup>127</sup> UNHCR – Responding to protection needs of displaced Syrians in Europe – June 2013.

<sup>128</sup> Newsletter 59 France terre d’asile, September 2012.

<sup>129</sup> Interview with UNHCR Hungary, *op.cit.*

### 3.2 Diversity in Status and Rights Granted<sup>130</sup>

According to the UNHCR, resettlement involves ‘*the selection and transfer of refugees from one state in which they have sought protection to a third state which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country.*’<sup>131</sup>

The ERF has voiced support for this set of objectives. According to the Decisions establishing the ERF III (2008-2013), an action is considered a resettlement and only funded as such if the persons transferred from a third country to a Member State are permitted to reside with refugee status.<sup>132</sup> Alternatively, a status which offers the same rights and benefits under national and Community law as refugee status may be awarded.

This means that granting subsidiary protection or another status on the basis of national law would not preclude an ERF support if this status grants the same rights as refugee status.

The EU law and accordingly national laws in the EU Member States, stipulate that two forms of protection can be granted: refugee status and the subsidiary protection. In most of EU Member States, the rights attached to the refugee status are different from those granted with the subsidiary protection. Moreover, the rights attached to both statuses vary from one Member State to another.

While all EU Member states may grant the refugee status to resettled refugees, some of them may instead only grant a subsidiary protection to part of them. This is the case in the Czech Republic, Denmark, Italy, Portugal, Poland, Romania, Spain and Sweden.

This is not always applied in conformity to national law. The Polish Act foresees that resettlement applies both to persons meeting the requirements of refugee status and of subsidiary protection – and leads to one of those statuses – like most of the Member States. In contrast, the Hungarian law, like Spanish law 12/2009, only mentions refugee status as regards resettlement: ‘*Refugees who are resettled in Spain will have the same status as refugees who are recognised as such under the provisions of this Law.*’ Yet, among the 80 refugees resettled from Tunisia to Spain in 2012, 74 were granted subsidiary protection, only four received refugee status and two were family reunifications. The impact on the right of residence is significant, as a refugee receives a five-year residence permit in Spain while a person who has received the subsidiary protection will only receive a one-year stay permit.

In many Member States, the rights attached to refugee status differ from those granted with the subsidiary protection. The Portuguese Asylum and International Protection Law (Law 27/2008 of June 30) issues residence permits for refugee status for five years, renewable for similar periods, and residence permits for subsidiary protection are issued for a minimum of 2 years, renewable for similar periods. In Italy, subsidiary protection leads to a three-year stay permit, instead of a five-year residence permit for a refugee. It is in France that the difference between residence permits are best highlighted, refugees receive a ten-year residence permit and a beneficiary of the subsidiary protection receives a one-year residence permit.

Granting status that is different from refugee status does not necessarily mean that the resettled person is only temporarily protected. Those who are resettled in Sweden are divided into three categories and may be granted one of the following statuses: (i) convention refugees (ii) persons in need of subsidiary protection or (iii) individuals “otherwise in need of protection.” Yet, they all

<sup>130</sup> For an exhaustive comparison of the status and rights granted to resettled refugees in the EU, see the country profiles of the 27 Member States on Know Reset website, <http://www.know-reset.eu/?c=00003>

<sup>131</sup> UNHCR Resettlement Handbook 2011, p.3.

<sup>132</sup> Within the meaning of Article 2(d) of Directive 2004/83/EC.

receive a permanent residence permit before arriving in Sweden, whatever their status.<sup>133</sup> A right to permanent residence, in conformity with the UNHCR's standard, is also provided in Belgium and in the UK. In most of Member States, the residence permit is time-limited but renewable, and in some of them, it is common to all resettled persons, whatever their status. This is the case in Denmark and Finland, which grant a four-year stay permit to resettled persons. The Netherlands deliver a five-year residence permit, which then leads to a right to permanent residence. In Romania, the law stipulates that resettled persons '*will have the same rights and obligations in Romania as the refugees recognized by the Romanian State*' (Art. 3(5)).

The ERF's financial incentive can clearly orientate the decision. This was the case for Belgium in 2009 and 2011: '*Amongst others because of the funding regulations of the ERF, refugee status must be granted in Belgium and as such, persons who are only eligible for subsidiary protection are excluded. In the future, expanding to include subsidiary protection could be considered, including the relevant criteria, or potentially the development of a completely parallel resettlement procedure with its own criteria and a status sui generis.*'<sup>134</sup>

This is already happening in Ireland, where resettled persons have a specific status, the 'programme refugee,' which provides similar rights to those offered to the refugees, but also some specific rights, such as some facilities for family reunification. Under the current Irish resettlement programme, members of the family are dealt with in two ways. Immediate family members are included in the quota. Therefore when an application is examined, care is taken to ensure that all of the nuclear family members are considered together at the time of application. The admission of any other family members such as siblings of the applicant, are at the discretion of the Minister. Should an applicant decide to omit a member of the nuclear family at the time of application, and then seek to be reunited with that family member at a later date, this type of application would be at the discretion of the Minister. The definition of "family member" for resettlement purposes, which includes unmarried children over the age of 18 years, is broader than the definition of "family Member" in the Refugee Act 1996, as amended. This avoids a situation where the act of resettlement actually results in other family members becoming "vulnerable" in their current environment and reduces the number of family reunification applications later.<sup>135</sup>

In contrast, resettled persons in Germany have less rights in terms of family reunification than those of the refugees, which may inhibit the integration of the refugees. This is a reason why the country has been criticised by some stakeholders, despite Germany's recent significant commitments in refugee resettlement. The national legislation for the future resettlement programme will be the same as for the *ad hoc* resettlement of Iraqi refugees in 2009/2010, which does not provide a refugee protection status. The resettled refugees will receive temporary three-year residence permits, renewable where deemed necessary. After seven years, provided the applicant meets the relevant requirements, a settlement permit may be granted.

Some recent changes in some Member States have tended to favour the integration of resettled persons. They concern the placement upon arrival. The placement in camps may postpone or even impede integration prospects.<sup>136</sup> France has therefore decided that resettled persons would now be

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<sup>133</sup> Interview with Oskar Ekblad, *op.cit.*

<sup>134</sup> Interview with Ewout Adriaens, *op.cit.*

<sup>135</sup> Interview with Martina Glennon, *op.cit.*

<sup>136</sup> An illustration with the reception conditions in Hungary: '*As for reception conditions in general, refugees and beneficiaries of subsidiary protection are accommodated in the open OIN integration facility in Bicske (...). The present system has proven to be ineffective in equipping beneficiaries of international protection with the skills required for integration. Living in Bicske for up to one year keeps people isolated from the local community. Most of the residents do not have any contacts with Hungarian people except for the social workers. They often do not have any other ties to people living outside the camp who could ease their integration into the society. This also slows their process of learning the language and how different institutions and services operate. After having lived in Bicske for 6 months most of the refugees do not dispose of the features*

placed in houses.<sup>137</sup> This important reform nevertheless prolongs the resettlement process as the reception of refugees is decided as and when houses are getting available. A recent change has also taken place in the Dutch resettlement policy, aimed at the direct placement of refugees in the municipalities. From the moment of selection of the refugee that is to be resettled, contact is made with local and regional authorities in relation to the preparation for housing and support.<sup>138</sup>

For Hungary, *‘a positive Finnish experience was not to try integration in the capital, but in a smaller place, where local community can take a part in the integration. The families or groups this way integrate really in the society and not in their local diaspora, from which they might have wanted to detach anyways.’*<sup>139</sup> This interpretation goes against the Irish experience for instance. As mentioned above, resettlement is organised in such a way that the refugees can be in contact and maintain the link with their fellow nationals. Individual cases are generally resettled in the greater Dublin area while groups are resettled in smaller places. In addition, *‘one thing unique about the Irish programme is that the Resettlement Unit, Office for the Promotion of Migrant Integration provide direct support to individual cases resettled in Dublin while local authorities and NGO’s provide direct support services for those resettled outside of the Capital. This keeps the National Coordinating team in touch with the day to day issues arising and helps us to understand the challenges faced by both the refugees and the service providers. Each year the learning informs the process for the coming year. The country is also smaller than most EU Member States.’*<sup>140</sup>

The support and monitoring of refugees by service providers are indeed essential for refugees. In Italy, the placement in individual houses did not favour the integration of the resettled refugees since they were situated in uninhabited areas with no public transportation facilities. Isolation and the lack of employment perspectives led to a number of resettled persons leaving Italy.

In most Member States, the resettled persons get permission to work and access to all social benefits. Yet, even in countries where the resettlement experience is described as a success, like in the UK or in Ireland, a low level of employment and of economic independence among the refugees has been noted.<sup>141</sup>

A growing concern applies to the possible development of a lower reception quality, which may be a result of a greater number of places being available for resettlement. The UK for instance aspires to increase its quota of 1,000 refugees per year when this becomes affordable, but *‘the present fiscal climate suggests that additional money for resettlement is unlikely in the near future and the focus will need to be either: increased funding from Europe; or reducing the levels of support and accommodation to refugees in order to increase the numbers resettled within the existing budget.’*<sup>142</sup>

Does accepting a greater number of refugees necessarily mean offering less rights?

The UNHCR itself has had to call for temporary shelter in order to get more resettlement States to respond to major refugee crises. Apart from calling for the durable resettlement of 2,000 Syrian refugees -who do not appear among the priority groups of the EU as listed for 2013 and as proposed

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*– detailed knowledge on employment conditions, satisfactory health condition, own financial resources, language etc. – that are needed for finding employment. After being released from Bicske, refugees do not have any realistic prospects on access to accommodation or employment. Access to language courses is also of great concern. As a result, some refugees opt to move to other EU Member States, upon recognition of their refugee status. If returned to Hungary, they often become homeless. Homeless refugees reportedly face various violations of their physical integrity, with single women and the vulnerable particularly at risk’.* Interview with UNHCR Hungary, April 2012

<sup>137</sup> Matthieu Tardis, 31 May 2013, *op.cit.*

<sup>138</sup> Interview with the Dutch Ministry of Interior, *op.cit.*

<sup>139</sup> Interview with the Hungarian Office of Immigration and Nationality (OIN), April 2012.

<sup>140</sup> Interview with Martina Glennon, *op.cit.*

<sup>141</sup> Interviews with Dave Atkinson and Martina Glennon, *op.cit.*

<sup>142</sup> Interview with Dave Atkinson, *op.cit.*

for the future AMF (Asylum and Migration Fund) - it also called for the 'humanitarian' temporary reception of 10,000 Syrian refugees in 2013. Germany responded to the call by offering to receive 5,000 Syrians, some of whom already have family links with Germany. This valuable German contribution to protecting refugees and alleviating the effort of the countries of first asylum is double the number of refugees that Germany resettled during the Iraqi refugee crisis five years ago. In terms of protection however, this contribution may be more comparable to the temporary protection granted during the Kosovo war in 1999, and is therefore linked to the hope of a rapid return of Syrian refugees to their country of origin – which appears to be unlikely, given the current situation there.

While the integration of refugees in general and resettled refugees in particular, has become the focus of the UNHCR together with governmental and non-governmental stakeholders involved in the field, opting for the temporary protection of refugees in situations which call for durable solutions may raise additional difficulties both for refugees and the receiving societies.

'Resettlement is a process which only begins with the transfer of a refugee and her/his family and dependants to a new country. Just as with the other durable solutions, integration is thus essential to the durability of resettlement. UNHCR only supports the resettlement of further persons of concern once there is a proven system in place addressing in a comprehensive manner a reception and integration system. The status provided in the country of resettlement should provide a resettled refugee and her/his family and dependants with a durable solution: integration requires the receiving country to ensure that refugees have access to resources required for their longer term stability and adjustment to the new society, while fostering a sense of belonging and participation.'<sup>143</sup>

#### 4. Responsibility-Sharing and the Resettlement/Relocation Dichotomy

This report has already established that a considerable revolution has occurred in the approach taken by the EU and its Member States toward resettlement over the course of the past ten years. However, in the past few years a parallel system has emerged which has, at times, overlapped and at other times been obvious in its differences. That parallel system of 'intra-EU resettlement' is most commonly referred to as relocation.

Resettlement has already been set out above in a quote from the UNHCR as being "the selection and transfer of refugees from one state in which they have sought protection to a third state which has agreed to admit them – as refugees – with permanent residence status."<sup>144</sup> In the EU, it should be added that that third State must be the country of first asylum which is not a Member State of the EU. Relocation on the other hand refers to the transfer of persons from one Member State to another. A Commission Communication from 2009 sets out a further explanation as to what resettlement is and also provides an explanation as to relocation. Resettlement is a humanitarian exercise concerned with solidarity with third countries i.e. those States which are not Member States of the EU.<sup>145</sup> Relocation on the other hand is a 'burden sharing' exercise, the purpose of which is to share the responsibility of receiving refugees among Member States of the EU. Thus, relocation is concerned with intra-EU solidarity.<sup>146</sup>

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<sup>143</sup> Interview with UNHCR Hungary, *op.cit.*

<sup>144</sup> UNHCR Resettlement Handbook 2011, p.3

<sup>145</sup> Based on the wording of the Commission Communication to the European Parliament and the Council on the Establishment of a Joint EU Resettlement Programme. Page 3. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0447:EN:NOT>

<sup>146</sup> Based on the wording of the Commission communication to the European Parliament and the Council on the Establishment of a joint EU resettlement Programme. Page 3. See : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0447:EN:NOT>

## 4.1 The Emergence of Relocation

The intra-EU solidarity which led to relocation can be traced back to the intense strain on southern Member States in dealing with mass arrivals of irregular migrants. In 2009, Cyprus, Greece, Italy and Malta adopted what is now commonly known as the Quattro Paper<sup>147</sup>. This was a document highlighting these Member States' concerns with their asylum and migration situations, coupled with a list of recommendations primarily addressed to the EU. On 19<sup>th</sup> April 2011, the same EU Member States together with Spain adopted a Joint Communiqué, which reiterated their concerns in relation to the flows of migrants and asylum-seekers reaching their territory and calling the EU for 'responsibility-sharing' among the Member States<sup>148</sup>. Those southern States made multiple requests for assistance from the Commission and their EU partners and have spoken in favour of relocating refugees *from* their territories.

The European Council Conclusions of June 2009 called for the coordination of voluntary measures for internal reallocation of beneficiaries of international protection present in the Member States exposed to specific and disproportionate pressures, starting with a pilot project for Malta. This project, called EUREMA for European Relocation Malta, targeted a total of 255 beneficiaries of international protection hosted in Malta. France, Germany, Hungary, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia, and the UK joined the initiative to re-allocate beneficiaries with a view to integrating them in their respective societies<sup>149</sup>.

In April 2011, the European Commission decided to extend the project (EUREMA II). The programme is set to run from the beginning of 2012 until the end of 2013. To bolster uptake for EUREMA, the EU made financial assistance from the European Refugee Fund available to both resettlement and relocation. This report has already considered how influential ERF funding can be as an incentive to resettle or not to resettle. It is certainly also the case with regard to relocation.

While the first EUREMA project was a pilot experiment in relocation, the second EUREMA can be seen as being a response to a specific crisis. On the 12 May 2011, the European Commission organised a Ministerial pledging conference for relocation of migrants from Malta and resettlement of migrants from North Africa. Commissioner Malmström stated that *'The situation is very serious in both North Africa and in Malta'* and hailed the positive response from Member States as a show of solidarity both in an intra-Member State sense and also in the sense of solidarity with international partners<sup>150</sup>.

Participation in EUREMA was considerable. Several Member States pledged their assistance, including Germany, Poland, Spain, The Netherlands, Denmark, Ireland, Romania, Slovakia, Lithuania, Portugal, Hungary and Bulgaria as well as Associated States such as Norway, Switzerland and Liechtenstein with a total pledge for 356 persons. Whilst some countries have chosen to conduct relocation on a bilateral level, other Member States (Bulgaria, Hungary, Lithuania, Poland, Portugal, Romania and Slovakia) are participating in the EUREMA II project, for EU financing under the European Refugee Fund, Community Actions 2011<sup>151</sup>.

The overwhelming reason given for uptake was to express solidarity with their fellow Member States that were under a particular strain from mass arrivals at the southern borders.<sup>152</sup> This

<sup>147</sup> [http://www.interno.gov.it/mininterno/export/sites/default/it/assets/files/16/0970\\_Final\\_paper\\_Versione\\_firmata.pdf](http://www.interno.gov.it/mininterno/export/sites/default/it/assets/files/16/0970_Final_paper_Versione_firmata.pdf)

<sup>148</sup> See EASO Monitor, <http://easomonitor.blogspot.fr/2011/04/southern-eu-ms-publish-joint-communique.html>

<sup>149</sup> See the website of the Maltese Ministry for Home Affairs and National Security, <http://mhas.gov.mt/en/MHAS-Information/EUREMA/Pages/EUREMA-I.aspx>

<sup>150</sup> See her statement on 13 May 2011, Memo 11/295, [http://europa.eu/rapid/press-release\\_MEMO-11-295\\_en.htm?locale=fr](http://europa.eu/rapid/press-release_MEMO-11-295_en.htm?locale=fr)

<sup>151</sup> <http://mhas.gov.mt/en/MHAS-Information/EUREMA/Pages/EUREMA-II.aspx>

<sup>152</sup> The EASO fact-finding report on intra-EU relocation activities from Malta stated that a number of Member States said that relocation was a concrete example of intra-Member State solidarity: <http://easo.europa.eu/wp-content/uploads/EUREMA-fact-finding-report-EASO1.pdf>

explanation was particularly strong among the newer Member States which are also eager to participate to intra-EU solidarity and show by this way their commitment in EU affairs. Certain among the newer accession States have supported relocation while ignoring any call for resettlement. The feeling that it is more important to show solidarity with States which are partners within the EU than with those States outside of the Union, is tangible. Finally, relocation has also been considered by some potential resettlement countries as a testing ground for the future resettlement of refugees, as was the case with Bulgaria.<sup>153</sup>

Some EU Member States support both relocation and resettlement - Bulgaria; Denmark; France; Germany; Hungary; Ireland; Luxembourg; Netherlands; Poland; Portugal; Romania; Slovakia; Slovenia; Spain. There are States which support resettlement but not relocation - Belgium; Czech Republic; Finland; Italy; Sweden; UK. One State supports relocation but not resettlement - Lithuania. Finally, there is also the States which have not voiced a strong preference or support for either resettlement or relocation: Austria; Cyprus; Estonia; Greece; Latvia; Malta.

The key question considering the merits of relocation must be whether or not relocation is been done to the detriment of resettlement. The question relates to the potential and actual overlaps that has occurred between the two terms.

#### 4.2 The Distinction between Relocation and Resettlement

This section examines the potential overlap between the distinct strategies of refugee protection – relocation and resettlement. Relocation and resettlement can quite easily be distinguished by considering the circumstances in which a refugee is transferred to a Member State. If that refugee is moved from a country of first asylum beyond the borders of EU Member States then that transfer is a resettlement. If a refugee has already reached the EU and is transferred from one Member State to another then that transfer is relocation.

The distinction therefore is extremely simple but nevertheless, there has been a certain overlap and confusion between the terms. The danger is that relocation is used instead of resettlement. Resettlement has a protection focus. Taking refugees from a country of first asylum is focussing efforts upon the most vulnerable of refugees. Relocating refugees from one Member State to another is effectively transferring a refugee within an area which should have a uniform protection for refugees anyway. Conducting relocation in place of resettlement therefore takes the protection focus away. The choice for Member States may be expressed in terms of solidarity. Resettlement has been conducted to express solidarity with international partners while relocation is carried out on the basis of intra-EU solidarity. Member States are faced with the choice of expressing solidarity with their partners on the EU level (relocation) or with third States (resettlement). The choice of Member States and indeed other important stakeholders, has confirmed that relocation and resettlement both suffer from certain overlap and a lack of clarity with regard to the distinction between them.

Slovakia for instance does not clearly distinguish between resettlement and relocation. It often refers to both terms by using its Slovak equivalent “presídľovanie” or “presídlenie,” both meaning resettlement. However, for relocation it would be preferable to use term “relokácia.” The Slovak

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Solidarity with other Member States was the categorical reason given to Know Reset for relocation by many Member States, see for example: Slovenia, Bulgaria, Lithuania.

<sup>153</sup> In May 2011, the Interior Minister Tsvetan Svetanov announced that Bulgaria would be accepting two to four North African refugees from Italy. The Minister stated that this relocation should be considered as an act of solidarity with Italy which was experiencing an influx of irregular migrants at that time and also as a training ground for future resettlement. See: The Bulgarian Helsinki Committee, Iliana Savova, “Do We Have a Quota on Humaneness”, <http://www.bghelsinki.org/en/publications/obektiv/iliana-savova/2011-08/do-we-have-quota-humaneness> However, despite the Bulgarian pledge for relocation, no persons decided to relocate to Bulgaria. Anna Andreeva, Know Reset Final Conference, *op.cit.*

Ministry of Interior's website refers to the EUREMA project as a project aimed at the *resettlement* of persons within the EU. Slovakia did plan on participating in resettlement under the 2010 ERF annual programme; however, due to Slovakia's involvement in the pilot project of relocation from Malta, it was postponed under the annual programme of 2011.<sup>154</sup> In this instance, priority was given to relocation over resettlement.

Ireland has relocated refugees from Malta. These refugees were categorised as being part of the programme resettlement quota which exists in Ireland.<sup>155</sup> Places which otherwise would have been taken by resettled refugees were thus taken by relocated refugees. The distinction between relocation and resettlement is not made in the context of the Irish resettlement quota. However, even when the distinction is made, resettlement numbers can be substituted for relocation. When a Spanish boat picked up fifty-one migrants who were found at sea between Libya and Malta in July 2006, the Dutch resettlement quota, which is generally not used for relocation, was utilised. An emergency acute humanitarian situation existed and the Netherlands decided to accept five of the refugees for resettlement.

Internal rules within Member States can in certain circumstances dictate that refugees must be regarded as being resettled rather than relocated. In 2007, refugees were transferred from Malta to Portugal. These people had not been granted international protection in Malta. If they had been granted international protection in Malta then the Portuguese would have categorised them as having been relocated. The UNHCR had recognised them as refugees. The Portuguese State then considered these refugees as being resettled refugees.<sup>156</sup> Internal rules as to a refugee's status pre-departure have therefore dictated what category that refugee fits into and the distinction between terms is not made on the basis of where the refugees are coming from.

These examples detail how the terms have overlapped among Member States implementing their refugee protection regimes. However, the overlap does not begin and end with Member States alone, other stakeholders have also met with some overlap. Take the example of the recent announcement by the German State that it was pledging five thousand places for refugees fleeing the conflict in Syria.<sup>157</sup> In September of 2013, the UNHCR called that German pledge '*...the biggest relocation programme in existence...*'<sup>158</sup> The UNHCR here referred to it as being relocation on the basis that those refugees were a "*humanitarian admission*" rather than, *sensu stricto*, resettlement.<sup>159</sup> Most other Member States have chosen to resettle Syrians in response to the conflict. The German action is clearly not relocation in the sense outlined in this report. The UNHCR of course are free to define relocation in whatever terms it sees fit. What this reporting by the UNHCR does illustrate is that there is a lack of uniformity internationally as to how distinguish relocation from resettlement.

From the perspective of EU policymakers and refugee stakeholders, making the distinction remains a challenge. The EASO has already identified that challenge. The EASO's fact finding report on relocation from Malta stated that '*...concerns were expressed about the possible implication of relocation on the resettlement quotas in the EU. It was stressed that intra-EU relocation should not be confused with resettlement of refugees from third countries.*'<sup>160</sup> That Agency, of course, has a limited mandate and cannot direct Member States as to how they should approach relocation and resettlement.

<sup>154</sup> Please see the Slovakian country profile on the Know Reset website, available at: [http://www.know-reset.eu/files/texts/00166\\_20130919160632\\_knowresetcountryprofileslovakia.pdf](http://www.know-reset.eu/files/texts/00166_20130919160632_knowresetcountryprofileslovakia.pdf)

<sup>155</sup> Interview with Martina Glennon, *op.cit.*

<sup>156</sup> Written interview with the Cabinet of the Secretary of State for Internal Affairs, 24 February 2012.

<sup>157</sup> See: <http://www.know-reset.eu/?c=00697>

<sup>158</sup> See: <http://www.unhcr.org/523076919.html>

<sup>159</sup> See: <http://www.know-reset.eu/?c=00715>

<sup>160</sup> See page 16 of the EASO Report, *op.cit.*: <http://easo.europa.eu/wp-content/uploads/EUREMA-fact-finding-report-EASO1.pdf>



However, the EASO can take a role in raising awareness that these two protection strategies are distinct and should not be confused.

### 4.3 Relocation as a Complement to Resettlement

The last section underlined the wide variety of ways in which resettlement and relocation can overlap. This section seeks to emphasise that priority must be put on resettlement. While relocation can be a valuable tool in complementing resettlement, it should never replace resettlement. Relocation can complement resettlement by providing a support to Member States which are under a particular strain from mass arrivals and perhaps also do not have the reception and procedural conditions necessary to secure the appropriate protection for refugees. However, relocation's complementary role should remain just that – complementary. The evidence suggests that relocation may have, on occasion, impacted upon the numbers of refugees being resettled from a country of first asylum, such interference in resettlement's full potential in the EU cannot be allowed to occur. This section will first turn to consideration of problems of relocation as highlighted by Member States in the course of Know Reset's research. It will then consider the approach of the EU as a collective before offering a concluding paragraph as to how relocation can accomplish its task as a complement to resettlement without interfering with the success of the EU's resettlement regime.

In Sweden, the Ministry for Justice stated that it is hesitant towards relocation and has assumed a 'wait-and-see' attitude. Sweden clearly seems to see resettlement as having twin priorities which should not be compromised by relocation. Firstly, resettlement is seen as being a burden-sharing operation with States of first asylum.<sup>161</sup> Secondly, the priority of providing protection to the most vulnerable refugees should always remain the focus. It is felt by Sweden that there is a big difference between resettling people from troubled countries and resettling them from a Member State where those people should already have a reasonable level of protection. Moreover, investing in relocation would probably mean that financial means are being redirected from resettlement to relocation. Sweden has voiced support for a proper evaluation study of the pro and cons of relocation before giving any consideration to committing to relocation. The Ministry further stated that one of the reasons for relocation put forward by countries like Malta and Italy is that the refugee pressure on them is too high, but looking at the statistics, the pressure on them is not stronger than that experienced in Sweden.<sup>162</sup> The Netherlands added its voice to the Swedish view that it is important that Member States express solidarity with developing countries who receive large numbers of refugees.<sup>163</sup> Many Member States find themselves in the position that relocation and intra-EU solidarity comes into conflict with this more international solidarity with countries of first asylum.<sup>164</sup> The argument could be extended that alternative measures of intra-EU solidarity exist and a Member State could make alternative offers of solidarity.<sup>165</sup> Solidarity with the country of first asylum must remain the clear priority for Member States. Financial support or special expertise might be offered in a show of intra-EU solidarity, which does not come at the price of resettlement places available.

The problems with relocation indeed go beyond the limited confines of possibly impacting upon the uptake and effectiveness of resettlement in the EU. The Czech Republic voiced the opinion that relocation involves substantial administrative and logistical burdens. Perhaps even more interesting than this though is the claim by the Czechs that relocation is a potential risk of becoming a "pull

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<sup>161</sup> Interviews with the various Swedish stakeholders.

<sup>162</sup> Interview with Swedish Ministry of Justice, *op.cit.*

<sup>163</sup> Interview with Janneke van Etten, *op.cit.*

<sup>164</sup> This conflict between solidarity priorities is touched upon in an MPC blog post, available here: <http://debatemigration.wordpress.com/2013/02/18/between-solidarity-and-the-priority-to-protect-where-refugee-relocation-meets-refugee-resettlement/>

<sup>165</sup> Interview with Andreas Ollinen, *op.cit.*

factor" for illegal migration.<sup>166</sup> This allegation is made on the understanding that migrants may believe that upon reaching EU territory, they will get the opportunity of being relocated to a more desirable Member State, perhaps even the Member State of their choice. Romania and Lithuania voiced their belief that more needed to be done to ensure that the relocated refugees knew more about their destination pre-arrival. Lithuania considered the exercise to have been costly and ineffective.<sup>167</sup> In October 2009 Lithuania refused to contribute to the EU initiative to relocate more asylum seekers from Malta<sup>168</sup>. However, in 2011, the Lithuanian Government decided to join the project, prepared by Malta and funded by the European Refugee Fund and committed to accept up to six asylum seekers.<sup>169</sup>

Another important concern of Member States which receive internationally protected persons through relocation is that the system of relocation will act as a disincentive to Member States to improve their national asylum systems. In other words, if refugees are relocated to Member State A because the reception conditions in Member State B are overwhelmed, then will Member State B look upon that relocation as being a temporary assistance or as a solution?

As recently as the September of 2013, Commissioner Cecilia Malmström convened a 'Relocation Forum' to discuss the way forward for relocation and address any misgivings that Member States had about relocation. In the Commissioner's address<sup>170</sup> to the Forum, she stated that *'Relocation is not a quick fix, it will not solve all the problems. It is one of many tools to alleviate and assist a Member State under pressure and in severe difficulties. Other types of assistance include funding, technical and human resources, training, contingency planning, EASO etc. Relocation is also not an alternative to get your house in order. It is however a true expression of solidarity and I do hope that many Member States can take part.'* The Commissioner thereby reinforced relocation as an act of solidarity in light of the fact that *'five Member States take 70 % of all the asylum seekers,'* but importantly said that it is not an alternative to national asylum responsibility i.e. each Member State developing and maintaining their own functioning asylum system.<sup>171</sup> The Commissioner did not address the relationship that has developed between relocation and resettlement. The Commissioner stated that she had taken the decision some months ago that there could be no Commission proposal in the foreseeable future for a permanent legal mechanism for relocation – either voluntary or compulsory. The Commissioner thus allayed any Member States fears that relocation was about to become compulsory. The Commissioner stated that while EUREMA II, the second relocation scheme from Malta, was coming to an end, financial assistance would be available in the future for relocation through the Asylum and Migration Fund. *'We understand that Member States don't necessarily want EU project-managed relocation with rigid administrative requirements – that is why we will no longer have a EUREMA project, but instead we will have money available under the Asylum and Migration Fund for relocation activities that will be much easier to implement.'* Relocation shall continue to make an important contribution toward the provision of protection for refugees in the EU.

<sup>166</sup> The Czech Republic's position on migration prepared by working group for a Parliament, to be announced to the EU Institutions, 5 June 2011.

<sup>167</sup> European Commission, Directorate-General Home Affairs, Study on the Feasibility of Establishing a Mechanism for a Relocation of Beneficiaries of International protection J LX/2009/ERFX/PR/1005, Final Report 2010, available on the internet: [http://ec.europa.eu/home-affairs/doc\\_centre/asylum/docs/final\\_report\\_relocation\\_of\\_refugees.pdf](http://ec.europa.eu/home-affairs/doc_centre/asylum/docs/final_report_relocation_of_refugees.pdf)

<sup>168</sup> Ministry of the Interior of the Republic of Lithuania, Legal information: In the Meeting of Ministers of the Interior of Lithuania and Malta Issues of Granting Asylum for Asylum Seekers in European Union were discussed, 28<sup>th</sup> October 2009, available on the internet: [http://www.vrm.lt/index.php?id=131&backPID=129&begin\\_at=720&tt\\_news=2281&](http://www.vrm.lt/index.php?id=131&backPID=129&begin_at=720&tt_news=2281&)

<sup>169</sup> Resolution on asylum seekers from the Republic of Malta, No 1082, 14<sup>th</sup> of September 2011, available on the internet: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=406687&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=406687&p_query=&p_tr2=2)

<sup>170</sup> The Commissioner's full address is available here: <http://blogs.ec.europa.eu/malmstrom/refugeerelocation/>

<sup>171</sup> The Commissioner quoted the statistic in her blog post, available at: <http://blogs.ec.europa.eu/malmstrom/refugeerelocation/>

In the absence of clear and cohesive guidance as to how to approach relocation so as not to impact upon resettlement, it is left to Member States to implement these distinct terms in a way which seeks to place protection for the most vulnerable at the heart of all measures. Relocated refugees should not be counted as part of a Member State's resettlement quota. Relocation should only be encouraged secondary to resettlement. Funding should prioritise resettlement above relocation. The Hague Programme, referred to earlier in this report, called for a spirit of shared responsibility to a more accessible, equitable and effective international protection system. It seems that resettlement best satisfies these objectives as its primary concern is to provide protection while the priority of relocation is to express intra-EU solidarity. Resettlement is also an expression of solidarity but this solidarity is with countries of first asylum. Countries of first asylum, beyond the territory of the EU, play host to much larger numbers and are under a greater strain than any Member State.

Resettlement can also be used to support the EU's Regional Protection Programmes. Sweden was one Member State which stated that solidarity with countries of first asylum must take preference over southern Member States that have the same responsibilities to protect as Sweden. Resettlement undoubtedly remains the preferable response to those most in need. The priority to protect those who have not been able to gain access to European territory should remain the primary objective. Providing such access negates the need for people to become irregular migrants during their journey to Europe, the journey that many refugees who are relocated have been forced to undergo. Intra-Member State solidarity, while an understandable objective in its own right, must not come at the expense of protecting those most in need. Relocation then, must only come as a complement rather than as a replacement to the numbers who are being resettled. Clarifying the important difference between the two schemes must be an important objective into the future. As Commissioner Cecilia Malmström has outlined plans to incentivise relocation through funding in September of 2013, it seems certain that relocation will continue as an option for Member States. This means that oversight of the different problems outlined here must be considered by Member States and the EU so as to impact upon resettlement as little as possible.

## 5. Conclusion

The development of resettlement-related frameworks and policies in the EU and its Member States is undeniable and has accelerated during the past five years. This is mainly due to the combined effect of joint operations to respond to major refugee crises and to the EU's increased support to UNHCR efforts to encourage States to begin to resettle refugees. EU led initiatives for multilateral operations has been the main incentive for Member States to get involved in refugee resettlement which have no history in resettlement.

A small majority (fourteen) of Member States are now resettlement countries, insofar as they have committed to resettling refugees on a programme basis. Moreover, while refugee resettlement depends on voluntary governmental decision, exclusive from any legal duty, it is not only based on an administrative framework any longer. Refugee resettlement is growingly based on asylum and refugee law. A quasi majority of Member States (thirteen) have included a reference to refugee resettlement in their asylum legislation, eleven of them did so during the past decade. This does not make resettlement a legal duty for those States, nor a right for refugees. Yet, the adaptation of legal frameworks may facilitate refugee resettlement. This may be the case by allowing the granting of refugee status outside the territory for instance, or designing the procedure and determining the competent institutions.

The absence of legal reference to refugee resettlement has not impeded certain Member States from resettling in the past (in Scandinavia) and still currently (in the Netherlands) in a sustainable and regular manner. Equally, the existence of a legal reference to refugee resettlement is not a guarantee that the State does or will resettle. It does not constitute an evidence of but can help and support sustainable commitment.

It has now become easier than in the past to legislate on refugee resettlement, since a set of practices and experiences have been developed. Most of all, the UNHCR has published some handbooks to guide the selection of refugees, the resettlement process and procedures as well as the granting of status and rights and the integration of resettled refugees. The EU has come to give support to UNHCR guidelines in prioritising and funding resettlement activities when they follow UNHCR standards, such as the selection of refugees falling into some of UNHCR submission categories or the granting of a status similar to refugee status. Despite those efforts to standardize and streamline refugee resettlement, the diversity in the content of resettlement-related frameworks and policies among Member States is still striking. Even basic standards of refugee resettlement such as the UNHCR mandate and its role in pre-selecting vulnerable refugees, or the granting of permanent residence are not shared by the majority of legal references to refugee resettlement.

The Joint EU Resettlement Programme has been a great support to the development of commitments in resettlement and plays an important role in the search for a concerted approach to resettlement. Indeed, through requirements for the funding, it influences the selection targets of Member States as well as the procedure and the rights granted. Nevertheless, its impact is limited. It is based on a financial incentive which does not convince all Member States, and on the positive impact of joint initiatives. The JEURP could go further, as could the EU.

The overlap between resettlement and relocation has been a negative development in respect of both of those distinct procedures. The evolution of resettlement in the EU has become susceptible to the strategic use of relocation by Member States as the ‘soft’ option when it is under pressure to stand up to its responsibility as an EU partner. Relocation can be more attractive to Member States and can be preferable to the challenge of resettlement. It is perhaps this conflict in terms which, more than anything else, has highlighted the need for strong central governance of how resettlement is handled by the Member States. Relocation, if it is to succeed must complement resettlement and not replace it.

The lack of reporting of refugee resettlement in independent news and media is an obstacle to improving resettlement in quantitative and qualitative terms. Apart from the media, resettlement can be promoted and publicised as being a public issue to be discussed by all of those which have a stake in resettlement – policymakers, NGOs, migration authorities, lawyers and refugees themselves. All stakeholders state that resettlement is not openly discussed and that the majority of society are simply not aware of it despite the fact that ‘*it is an issue that can be explained and advanced among the population very easily.*’<sup>172</sup> It may be difficult to convince policy makers for a structural commitment since not everybody knows about resettlement, including among policy makers.<sup>173</sup> A heightened public understanding of resettlement would assist greatly in improving how resettlement is conducted in all Member States.

‘In the Swedish context, it is very important that politicians are not afraid to stand up for refugees. They dare saying that it is an important issue and that Sweden needs to show solidarity. Moreover, the Minister of migration always mentions resettlement when he talks about asylum issues. Often, at the EU-level, Sweden stands out as the odd country proposing to improve asylum policy, to receive more refugees etc. This positive approach is considered peculiar by the other Member States. The Member States often have to deal with negative public opinion and politicians/parties that are unreceptive towards the asylum issue.’<sup>174</sup>

‘In the context of growing anti-immigration atmosphere, the influence of the media would be to make the public opinion understand why we need to protect refugees. The key factors are to be found in a public discourse more open to foreigners and refugees.’<sup>175</sup>

<sup>172</sup> Interview with the Swedish Justice Ministry, *op.cit.*

<sup>173</sup> Ewout Adriaens, Know Reset Final Conference, Brussels, 10 July 2013.

<sup>174</sup> Interview with the Swedish Justice Ministry, *op.cit.*

<sup>175</sup> Interview with Matthieu Tardis, *op.cit.*

## 5.1 Recommendations

- The EU should fund and prioritize all UNHCR submission categories and not only five of them.
- Geographic priorities should be defined on a more flexible basis, be easily revised and extended when new refugee crises, such as the Syrian refugee crisis, occur.
- The EU should seek to make an impact on Member State resettlement laws and policies not only through funding and rallying, but also through its own legislating.
- A legal framework for resettlement is needed in all of the Member States.
- Even if Member States want to keep resettlement voluntary, an EU Directive could standardize some basic and fundamental elements of refugee resettlement, such as:
  - Resettlement shall aim at receiving vulnerable refugees on the basis of UNHCR submission categories, and should not include integration pre-considerations,
  - The persons to be resettled should not necessarily meet the Geneva Convention definition. A common definition of refugee could be adopted on the basis of the Mandate refugee definition.
  - Resettlement should be carried out in cooperation with UNHCR.
  - Resettled refugees should be granted a permanent residence status.
  - Resettled refugees should be granted rights similar to those granted with Convention refugee status.
  - Resettled refugees should not be submitted to an additional application process upon arrival or only as an option to gain more rights.
- Refugee Resettlement could be incorporated in the broad protection system. It should be linked to and based on a number of minimum requirements.
- An EU Resettlement System should be developed on the model of the Common European Asylum System.
- The distinction should be made and promoted by the EU between contributing toward refugee protection internally (relocation) and externally (resettlement). The emphasis in financial terms should be on resettlement.
- Being an Agency which has a responsibility for monitoring both relocation and resettlement within the EU, EASO should be fully utilised as a monitor but also to give assistance as far as this is possible.
- The EU should contribute to raising awareness and generating public support to refugee resettlement and refugee reception as a whole through media campaigns and the diffusion of information. Awareness-raising towards policy-makers will also facilitate the commitment of Member States in resettlement programmes.
- The EU should favour more cost-effectiveness and efficiency as a result of economies of scale in resettlement. In particular, joint resettlement selection missions should be promoted. In addition to reducing costs and organisational constraints, it would lower refugees' waiting time and interviews.
- The EU should continue to encourage twinning arrangements and projects favouring knowledge and information exchange with regard to refugee resettlement, as well as the exchange of practices and sharing guidelines (on the model of the Temporary Desk on Iraq), in particular when it comes to reception and integration.

## Annexes

### Annex 1. Formal Basis for Resettlement and Effective Resettlement in the EU Member States

EU Member State	Formal Basis for Resettlement		Date of resettlement	
	Specific provision in Law	Governmental Act	Ad Hoc Resettlement	Programme based Resettlement
<b>Austria</b>	None	None	2011	None
<b>Belgium</b>	None	<i>*Decision of the Council of Ministers on a specific resettlement – Iraqi and Palestinians from refugee camps in Syria and Jordan (2009)</i>  <i>*Decision of the Cabinet on a specific resettlement – from Libya (2011)</i>	2009  2011	  Since 2013
<b>Bulgaria</b>	None	<i>*Council of Ministers draft decision (2012) - Pilot programme</i>	None	Planned for 2014
<b>Cyprus</b>	None	None	None	None
<b>Czech Republic</b>	<i>Asylum Act (1999), Section 90</i>	<i>*Government Resolution on a specific resettlement – Burmese (2008)</i>  <i>*Government Resolution on a specific resettlement – Burmese (2009)</i>  <i>*Government Resolution on a specific resettlement – Burmese (2010)</i>	2005 2007  2010	  Since 2008

<b>Denmark</b>	<i>Aliens Act (2011), as amended in 2005, Section 8</i>	None	None	<i>Since 1978</i>
<b>Estonia</b>	None	None	None	None
<b>Finland</b>	<i>Aliens Act (2004), Section 90, 91, 92.</i>	<i>*Decision on the geographical allocation of the refugee quota, 17 February 2012</i>	None	<i>Since 1985</i>
<b>France</b>	None	<i>*Framework Agreement between France and the UNHCR (2008)</i>	<i>Since 1948</i> <i>Other relevant dates:</i> <i>1956</i> <i>1974-1984</i> <i>1999</i> <i>2008</i>	<i>Since 2008</i>
<b>Germany</b>	<i>Residence Act (2004), Section 22.</i>	<i>*Ruling of the Federal Ministry of the Interior about Iraqi refugees (2008)</i>  <i>*Decision on the launch of a permanent resettlement programme and on admission of refugees from North Africa (2011)</i>	2009	<i>Since 2012</i>
<b>Greece</b>	None	None	None	None
<b>Hungary</b>	<i>Asylum Act (2007), Section 7</i>	<i>*Governmental Decree (2011) Refugee Solidarity Programme related to the North-African crisis</i>	None	2012
<b>Italy</b>	None	None	2007 2008-2009 2009 2010	None

<b>Latvia</b>	None	None	None	None
<b>Lithuania</b>	None	None	None	None
<b>Luxembourg</b>	None	None	2009	None
<b>Malta</b>	None	None	None	None
<b>Netherlands</b>	None	<p><i>*Decree (2000) transfers responsibility for the quota policy for resettled refugees to the Minister of Justice</i></p> <p><i>*Decree of the Minister of Justice (2010) outlines Dutch resettlement policy</i></p> <p><i>*Government Decision (2012) Policy Framework for Resettlement (2012-2015)</i></p>	None	<i>Since 1984</i>
<b>Poland</b>	<i>Act on granting protection to foreigners (2003), as amended in 2011</i>	None	2011	None
<b>Portugal</b>	<i>Asylum Law (2008), Chapter III Section V</i>	<i>*Resolution of the Council of Ministers (2007)</i>	2006	<i>Since 2007</i>
<b>Republic of Ireland</b>	<i>Refugee Act (1996), Section 24.</i>	<p><i>*Cabinet Decision (1998) – Quota decision</i></p> <p><i>*Cabinet Decision (2005) – Quota decision</i></p>	None	<i>Since 1998</i>
<b>Romania</b>	<i>Law on Asylum (2006), Article 3(5)</i>	<i>*Agreement with UNHCR and IOM (2008): Emergency Transit Centre in Timisoara</i>	None	



		<i>*Decision on the Resettlement of Refugees (2008) – Sets out regulation of resettlement and states how many refugees will be resettled during the period 2008-2010</i>  <i>*2012 Decision to amend the 2008 Decision on the Resettlement of Refugees in Romania</i>		<i>In 2008</i>  <i>Planned for 2012-2013</i>
<b>Slovakia</b>	None	<i>*Agreement with UNHCR and IOM (2009): Emergency Transit Centre in Humenné</i>  <i>*Agreement with UNHCR and IOM (2010): Emergency Transit Centre in Humenné</i>	None	None
<b>Slovenia</b>	<i>International Protection Act (2007), Chapter VIII Section 70</i>	<i>*Government Decree on implementation of resettlement based on yearly quota (2011)</i>	None	None
<b>Spain</b>	<i>Law regulating the right to asylum and subsidiary protection (2009)</i>	<i>*Royal Decree (1995) – makes reference to UNHCR requests to resettle</i>  <i>*Decision of the Council of Ministers (2010) – Approves the 2010 programme: 75 refugees</i>  <i>*Decision of the Council of Ministers (2011) – Approves the 2011 programme: 100 refugees</i>	<i>Since 1979</i>	

		<i>*Communication of the Council of Ministries (2012) - Approved a new Resettlement Programme</i>		2012  <i>Planned for 2013-2014</i>
Sweden	<i>Aliens Act (2005), Chapter 5 Section 2</i>	<i>*Spending authorization for the Migration Board (2011) –by the Ministry of Justice, defines the resettlement quota for 2012</i>  <i>*Migration Board Decision on Resettlement (2012) - Distribution of places, strategic and operational assessments</i>	None	Since 1950
United Kingdom	<i>Nationality, Immigration and Asylum Act (2002), Section 59</i>	None	None	Since 2004
	<b>13 EU countries refer to resettlement in Law.</b>	<b>15 EU countries have adopted government acts related to resettlement.</b>	<b>10 EU countries have resettled on an ad hoc basis.</b>	<b>14 EU countries have resettled on a programme basis.</b>
	<b>18 EU countries have had a formal basis for resettlement.</b>		<b>16 EU countries have already resettled.</b>	

## Annex 2. Pre-Arrival and Post-Arrival Phases of Refugee Resettlement in the EU Member States

### i. Pre- arrival phase

Pre - arrival phase  EU countries		Selection criteria		Selection process			Application Process		Pre-departure activities
		UNHCR criteria <sup>176</sup>	National Target Preferences	Dossiers	Missions	Actors involved	Before arrival	Upon arrival	Cultural orientation
1	Austria	No	2011: Christian Iraqis		Selected by representatives in Iraq of the archdiocese in Vienna	-The Church -IOM -Ministry of the Interior	Yes		n/a
2	Belgium	No (2009, 2011)	2011: Family with children and single women.  2009: women –at –risk and Palestinians	Yes (2011)	Yes (2009)	-UNHCR -CGRA -State Secretary for Asylum and Migration -FEDASIL	Pre-Selection	Yes (simplified procedure)	2011: CO not provided. Information pamphlets covering information about Belgium were printed but not given to refugees.

<sup>176</sup> **Yes:** The State accepts obligations towards refugees recognised by UNHCR according to a broader definition – Mandate Refugee Status – **No:** Geneva Convention criteria and generally Subsidiary Protection criteria.

3	Bulgaria	Yes (possible)	Bulgaria is interested in resettling Afghani and Iraqi refugees from Turkey.	/	/	-UNHCR -State Agency for Refugees	/	/	/
4	Cyprus	/	/	/	/	/	/	/	/
5	Czech Republic	No	Possibly vulnerable persons: seriously ill persons, children, women at risk and other cases, based on specific humanitarian factors.  Some integration aspects are also taken into consideration.	Possible	Yes	- UNHCR -The Resettlement Group -Minister of Interior	Pre-Selection	Yes (simplified procedure if previous UNHCR refugee status)	Done by the Resettlement Group when interviewing the people in need of resettlement in the country of first asylum –initial information about what they can expect from resettlement in the Czech Republic and to what extent they will receive assistance on arrival.
6	Denmark	No	Sub-quotas: 75 urgent cases; “Twenty-Or-More” for specially sick or handicapped refugees.  Integration criteria included in 2005.  Supplementary criteria of influence: language qualifications, education and work experience, social network, age, motivation.	Yes (Urgent cases)	Yes	-UNHCR -Danish Immigration Service (DIS) -Danish Refugee Council (DRC) -Municipalities	Yes		Yes done by DIS and Danish language teachers. Offered to all refugees accepted on selection missions but not to refugees on dossier basis. Over one week.

7	Estonia	/	/	/	/	/	/	/	/
8	Finland	Yes (possible)	Annual geographical allocation of the quota, based on the need of continuity in the chosen refugee groups.  Capacity to integrate is a factor. 10% of the quota are reserved for emergency cases and urgent cases.	Emergency and Urgent cases	Yes	-UNHCR -Finnish Immigration Services (MIGRI)	Yes		Cultural orientation is the remit of IOM. The arrangement was established in 2001 and ran until the termination of the contract in 2010.  The co was not arranged in 2011 and the contract is currently being negotiated. Currently no cultural orientation is organized.
9	France	Yes	2008 (Iraq 500): Belonging to a religious minority (especially Christian) and link with France (either through family ties or knowledge of French by at least one family member). Residence either in Iraq or in a neighbouring country: Jordan, Syria, Lebanon or Turkey.	Yes	No	-UNHCR -Ministry of Home Affairs -OFPRA	Pre-Selection	Yes	Sessions of cultural introduction can be organised by IOM. This has been done only for Iraqis and EU relocation.  When such activities cannot be organised, the IOM may distribute an information package, of which the Information Leaflet for People Resettled in France.

			Programme-Based: Integration potential together with protection need; consideration of the reception and housing capacity in the country.						
10	Germany	Yes	2008: Focus on members of persecuted (religious) minorities, victims of violence and with special medical needs, single women with children.  Other criteria such as capacity of integration, ties with Germany and family unity.  2011: Priority to refugees with Sub-Saharan origin who fled from Libya.	Pre-Selection	Yes	-UNHCR -BAMF		Yes	No
11	Greece	/	/	/	/	/	/	/	/

12	<a href="#">Hungary</a>	No	No specific admissibility criteria. A family (5-8 persons) from the North-African region. Aspects to consider when doing resettlement: need for international protection, security reasons, integration possibilities.	/	Yes	-UNHCR -OIN		Yes	No
13	<a href="#">Ireland</a>	Yes	Preference -Group resettlement -“balanced” caseload (mix of women at risk, disable persons, etc) -community or spiritual leaders	Yes	Between 2005 and 2008	-UNHCR -Minister for Justice and Equality -Minister for Foreign Affairs -Office for the Promotion of Migrant Integration (OPMI)	Yes		Yes Through the Irish authorities
14	<a href="#">Italy</a>	Yes	No additional criteria. Possibly national security considerations.	Yes	No, except in Iraq in 2009 to assess the local situation.	-UNHCR -Ministry of Home Affairs -Territorial Commissions	Pre-Selection	Yes (Simplified Procedure)	No
15	<a href="#">Latvia</a>	/	/	/	/	/	/	/	/

16	Lithuania	/	/	/	/	/	/	/	/
17	Luxembourg	No	2009: Families with children (young if possible), including single-parent families.	Yes		-UNHCR -Ministry in charge of immigration -OLAI -CARITAS	Yes		OLAI did prepare some leaflets concerning rights upon arrival, including healthcare and education
18	Malta	/	/	/	/	/	/	/	/
19	Netherlands	No	Subquota: 30 Medical cases. Refugees with medical needs and women at risk are resettled through the 'Twenty-Or-More' programme.  More emphasis will be placed on the Integration potential which has been applied since 2005. Dutch Minister for Immigration and Asylum recently proposed resettlement be used as strategically as possible with regard to the other purposes of the country's	Yes: 100 refugees/year	Suspended from 1999 to 2005. Yes: 400 refugees/year	-UNHCR -Minister for Immigration, Integration and Asylum (quota definition) -Ministry of Justice -Municipalities -Ministry of the Interior and Kingdom Relations, - Ministry of Foreign Affairs -Resettlement Unit of the Immigration and Naturalisation Service (IND) - Central Agency	Yes	No	Organised by COA, consisting of three trainings. Content: elementary Dutch language skill; Information about the Dutch society; Information about the receiving municipality; and the future accommodation.  For dossier-based refugees, CO trainings are developed and offered by IOM in cooperation with COA.



			migration policy and UNHCR to select more higher profile refugees such as human rights activists and academics.			for the Reception of Asylum Seekers (COA)			
20	Poland	n/a	Humanitarian aspects, necessity to satisfy the essential needs of resettled refugees, actual costs of individual programmes of integration.	n/a	In the future: Interview by the Officer of the Border Guard delegated to the selection task.	-Council of Ministers -Head of the Office for Foreigners via the officer of the Border Guard outside Poland	Yes	Yes	n/a
21	Portugal	Yes	Programme: Continuity in resettlement; Privilege to citizens coming from the African continent and from Eastern Europe, but not excluding other situations of citizens coming from other places, if these justify their priority selection, mainly for serious humanitarian reasons.	Yes	None so far	-UNHCR - Immigration Service / Refugee and Asylum Cabinet - Ministry of Internal Affairs, -Portuguese Aliens and Borders Service -Portuguese Refugee Council.	Yes		Non systematic distribution of a “Cultural Orientation Leaflet for Resettled Refugees in Portugal”.

			2011: People from countries covered by a Regional Protection Programme, unaccompanied minors, children and women at risk.						
22	Romania	No	Potential for integration applied in 2008, dropped in 2012. 2012 Criteria: Express consent of the refugee to be resettled in Romania; Romania's foreign policy; Relocation requirements at EU level. Minimum medical requirements to be defined.	Pre-Selection	Yes	-UNHCR -Minister of Administration and Interior – Minister of Foreign Affairs -Romanian Office for Immigration (ROI)	Pre-Selection	Yes	Yes Romanian NGOs involved in integration programmes will participate to the selection missions to inform refugees on integration activities in Romania and prepare integration programmes. In addition, possible cultural orientation and counselling services provided by ROI.
23	Slovakia	/	/	/	/	/	/	/	/
24	Slovenia	n/a	Global migration trends, crisis areas around the world, integration capacities.	Yes	Possibly	-UNHCR -Ministry in charge on internal affairs	Yes		Yes Informative lecture - general information on Slovenia, cultural characteristics and habits, on the prohibition of polygamy and gender equality, rights and obligations of persons enjoying international protection in Slovenia.

25	Spain	Yes (possible)	The criteria will be defined on yearly basis. Will follow EU policies.	Yes (in the future)	2011 (Syria) 2012 (Tunisia)	-UNHCR -OAR (Office of Asylum and Refugees)	Yes		Yes (2011) By IOM – Information sessions about Spain
26	Sweden	Yes	No additional criteria. Number of places by country of first asylum decided annually. 350 places for urgent and emergency cases.	Yes, for more than half of the quota.	Yes, for less than half of the quota.	-UNHCR -Migration Board	Yes	Possible	Yes (Migration Board Officers) For more than half of the refugees selected for resettlement, mainly those selected via in country selection missions. Generally, cultural orientation is carried out in 7-10 days.
27	United Kingdom	Yes	Regional allocation targets, including RPP. Small percentage for medical cases and a higher percentage for women-at-risk. For Mandate refugees: integration potential and links with the UK.	Possible	Yes	-UNHCR -UK Border Agency (UKBA) - Refugee Team in the Asylum Casework Directorate	Yes	No	By UK mission staff to refugees explaining the travel, reception and initial integration arrangements. Previously by IOM. Since 2011, a 1 day programme has been delivered by staff from the Refugee Resettlement Unit at the UKBA. It includes video interviews with refugees previously resettled through the programme in which they talk about their experiences of resettling and advice for new arrivals.

## II-Post- arrival phase

<div>Post –arrival phase</div> <div>EU countries</div>		Status granted			Rights granted			
		Refugee	Subsidiary protection	Programme refugee status or other Specific status	The same as national citizens	The same as refugees	The same as persons under the subsidiary protection status	Other specific rights under national law
1	Austria	X				X		
2	Belgium	X			X for health care and social welfare, access to education and employment.	X (5 year-stay permit)		Right of permanent residence.
3	Bulgaria	X			Potential to become naturalized at a later phase	X		
4	Cyprus	/	/	/	/	/	/	/
5	The Czech Republic	X			X for health care and social welfare, access to education and employment. Citizenship may be granted on request after 5 years of permanent residence.	X (10 year-stay permit)		
6	Denmark	X	X		X for health care and social welfare, access to education and employment. Access to citizenship after 8 years.	X (access to permanent residence after 7 years)	X	4 year- residence permit
7	Estonia	/	/	/	/	/	/	/

8	Finland			X (Quota Refugees)	X for health care and social welfare, access to education and employment, after the 'integration period'. Access to citizenship after 5 years.	X		4 year-residence permit Direct access to immigrants' benefits upon arrival
9	France	X	X		X for health care, social welfare and housing, access to education and employment.	X (10 year-stay permit)	X (1 year-stay permit)	
10	Germany			X	X for health care and social welfare, access to education and employment.			3 year-stay permit. After 7 years a settlement permit can be granted. Strict conditions for family reunification.
11	Greece	/	/	/	/	/	/	/
12	Hungary	X	/	/	/	X	/	/
13	Ireland			X (Programme Refugees)	X for health care and social welfare, access to education and employment. Access to citizenship after 3 years – to be extended to 5 years by future reform.	X		Facilities for family reunification
14	Italy	X	X		X for health care and social welfare, access to education and employment.	X (5-year stay permit)	X (3-year stay permit)	
15	Latvia	/	/	/	/	/	/	/
16	Lithuania	/	/	/	/	/	/	/
17	Luxembourg	X			X Social welfare and healthcare	X		
18	Malta							

19	Netherlands			X (Invited Refugees)	X for health care and social welfare, access to education and employment. Access to citizenship after 5 years of permanent residence.	X (Access to permanent residence after 5 years)		5 year residence permit.
20	Poland	X	X			X	X	
21	Portugal	X	X		X for health care and social welfare, access to education and employment. Access to citizenship after 6 years.	X (5 year-stay permit)	X (2 year-stay permit)	
22	Romania	X			X for health care, access to education and employment.	X		
23	Slovakia	/	/	/	/	/	/	/
24	Slovenia	X			X for health and social care, access to education and employment.	X		Right to permanent residence
25	Spain	X	X		X for health care and social welfare, access to education and employment.	X (5 year-stay permit)	X (1 year-stay permit)	
26	Sweden	X	X		X for health care and social welfare, access to education and employment. Access to citizenship after 4 years for refugees, after 5 years for beneficiaries of subsidiary protection.	X	X	Permanent Residence Permit
27	United Kingdom	x			X for medical care and social welfare, access to education and employment. Access to citizenship after 5 years	X		Indefinite Leave to Remain

**Annex 3: EU Member States' Position toward Resettlement and Relocation**

<b>EU Member States</b>	<b>Supports Resettlement</b>	<b>Supports Relocation</b>	<b>Merges Resettlement and Relocation</b>	<b>Separates Resettlement and Relocation</b>
<i>Austria</i>	No	No	/	/
<i>Belgium</i>	Yes	No	/	/
<i>Bulgaria</i>	Yes	Yes	/	/
<i>Cyprus</i>	No	No (Except from its territory)	/	/
<i>Czech Republic</i>	Yes	No	/	Yes
<i>Denmark</i>	Yes	Yes	/	/
<i>Estonia</i>	No	No	/	/
<i>Finland</i>	Yes	No	/	No
<i>France</i>	Yes	Yes	/	Yes
<i>Germany</i>	Yes	Yes	Yes Seems to merge both data within resettlement. Same for the temporary reception.	/
<i>Greece</i>	No	No (except from its territory)	/	/
<i>Hungary</i>	Yes	Yes	/	/
<i>Ireland</i>	Yes	Yes	Yes Within the same quota	/
<i>Italy</i>	Yes	No (except from its territory)	/	/
<i>Latvia</i>	No	No	/	/
<i>Lithuania</i>	No	Yes	/	/
<i>Luxembourg</i>	Yes (once)	Yes (once)	/	/
<i>Malta</i>	No (except from its territory)	No (except from its territory)	/	/
<i>Netherlands</i>	Yes	Yes	/	Usually Yes (but used its resettlement quota for a emergency relocation in 2006)
<i>Poland</i>	Yes (in theory)	Yes (in theory)	Yes Same legal basis, same quota	/
<i>Portugal</i>	Yes	Yes	/	/
<i>Romania</i>	Yes	Yes	/	No

<i><b>Slovakia</b></i>	Yes (in theory)	Yes (in theory)	Yes (terminology)	Yes
<i><b>Slovenia</b></i>	Yes (in theory)	Yes	Yes Same legal basis, same quota	/
<i><b>Spain</b></i>	Yes	Yes	/	/
<i><b>Sweden</b></i>	Yes	No	/	Yes
<i><b>United Kingdom</b></i>	Yes	Not any longer	/	/
<b>Totals:</b>	20 Yes	15 Yes	5 Yes	5 Yes





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## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***Refugee Resettlement in the EU: The capacity to do it better and to do it more***

**Elona Bokshi**

KNOW RESET Research Report 2013/04  
*EU Comparative Report*



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**KNOW RESET**  
**Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement**  
**in the EU and its Member States**

**Research Report**  
**KNOW RESET RR 2013/04**

**Refugee Resettlement in the EU:**  
**The Capacity to Do it Better and to Do it More**

**Elona Bokshi**  
European Council on Refugees and Exiles (ECRE)

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## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project: <http://www.know-reset.eu/>

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## Abstract

Know Reset was an EU-wide research project<sup>1</sup> that aimed to analyse how resettlement is currently conducted in the European Union, and in what ways it can be improved. The purpose of this report is to make the case for the increased use of resettlement by European countries on two levels: firstly, through the establishment of new national resettlement programmes in different countries and the expansion of national programmes where they already exist; secondly, to continue common efforts at national and EU level for a harmonized European resettlement programme, the future of which will be negotiated in the context of the EU financial perspectives for the period 2014-2020.

The report is illustrated with examples from various Member States. Drawing from the collated country profiles, the findings illustrate capacity for resettlement in four areas: funding; the different actors involved; political will; and the methods used. The paper looks at each of these areas and starts by assessing the capacity of EU Member States to commit or not to resettlement; to expand their efforts (more resettlement places); and to conduct more effective (better quality) resettlement. This makes up the first section. Secondly, the future of resettlement across the European Union is explored. Finally, we formulate recommendations to improve the quality of national resettlement and to promote a better resettlement policy in Europe.

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<sup>1</sup> Know Reset is co-funded by the European Commission through the European Refugee Fund (ERF) 2010

## ACRONYMS

UNHCR	United Nations High Commission for Refugees
EU	European Union
EP	European Parliament
NGOs	Non-Governmental Organisations
JEURP	EU Joint Resettlement Programme
ERF	European Refugee Fund
AMF	Asylum and Migration Fund
ECRE	European Council on Refugees and Exiles
CCME	Churches' Commission for Migrants in Europe
CO	Cultural Orientation
JHA	Justice and Home Affairs
IOM	International Organisation for Migration
MS	Member States of the European Union
UKBA	United Kingdom Border Agency
EASO	EUROPEAN ASYLUM SUPPORT OFFICE
COA	Central Agency for the Reception of Asylum Seekers in Netherlands
UAF	University Assistance Fund in Netherlands

## I. Introduction

### i. Resettlement Capacity in Europe at a glance

The scale of resettlement has changed dramatically over the last thirty years. The phenomenon of resettlement in the international arena originated and evolved in the context of the Cold War.<sup>2</sup> Historical efforts across nations were exerted to help the large numbers of displaced people in the aftermath of Second World War. Since then, Europe has been offering resettlement as a protection tool for refugees, albeit not at a scale comparable to other countries<sup>3</sup> like the US, Canada and Australia.<sup>4</sup>

UNHCR set a goal to increase the number of countries conducting resettlement and their encouragement of new programmes had already showed some success by 2000.<sup>5</sup> Their programmes were relatively small but their involvement was very important in giving new strength to this policy tool. Since then individual EU Member States have responded to resettlement as a protection tool in different ways. In 2002 the UK Home office announced its plan to establish a resettlement programme.<sup>6</sup> By that time there were seven<sup>7</sup> EU Member States with some form of resettlement programme or who had established the firm ambition to carry out resettlement. However, in addition to this, several other Member States were in fact already resettling some refugees on an ad hoc basis at the specific request of UNCHR. These resettlement cases were often people with an immediate need for protection, often with a family member, in the state in question.

After years of a solely national approach to carrying out resettlement, momentum began for a combined European approach in 2008, which demonstrated that Europe was ready for a collaborative approach to resettlement. Through Conclusions of the Justice and Home Affairs Council that year,<sup>8</sup> the EU committed to resettle up to 10,000 Iraqi refugees, after a call was released from UNHCR. This commitment represented the first joint effort of EU Member States to offer international protection to a specific refugee population through resettlement.<sup>9</sup> The response of the EU to the Iraqi refugee crisis, however, showed some of the difficulties of a joint EU response without an existing decision-making mechanism or any corresponding infrastructure.<sup>10</sup> The ICMC report “10.000 refugees from Iraq”, May

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<sup>2</sup> More info please see also the introduction “Refugee Resettlement in the EU: Between Shared Standards and Diversity in Legal and Policy Frames” Delphine Perrin and Frank McNamara, pg.7 <http://www.know-reset.eu/?c=00013>

<sup>3</sup> A comprehensive database on Resettlement in the EU, and throughout the Member States can be found at the Know Reset Website < <http://www.know-reset.eu/?c=2>>

<sup>4</sup> Know Reset, Country of First Asylum Report: Tunisia, 2013 p13: “burden sharing is spread unevenly between the 27 EU Member States, since the EU received 5,000 refugees between 2011/2012 (4,700 in 2010), the vast majority are hosted by the USA, Canada and Australia., <http://www.know-reset.eu/?c=00012>

<sup>5</sup> Joanne van Selm, Tamara Woroby, Erin Patrick and Monica Matts, Study on The Feasibility of setting up resettlement schemes in EU Member States or at EU Level, against the background of the Common European Asylum system and the goal of a Common Asylum Procedure. 2003  
[http://ec.europa.eu/dgs/home-affairs/elibrary/docs/pdf/resettlement\\_study\\_full\\_2003\\_en\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/elibrary/docs/pdf/resettlement_study_full_2003_en_en.pdf),

<sup>6</sup> Ibid.

<sup>7</sup> Denmark, Finland, Netherlands, Portugal, Spain and United Kingdom.

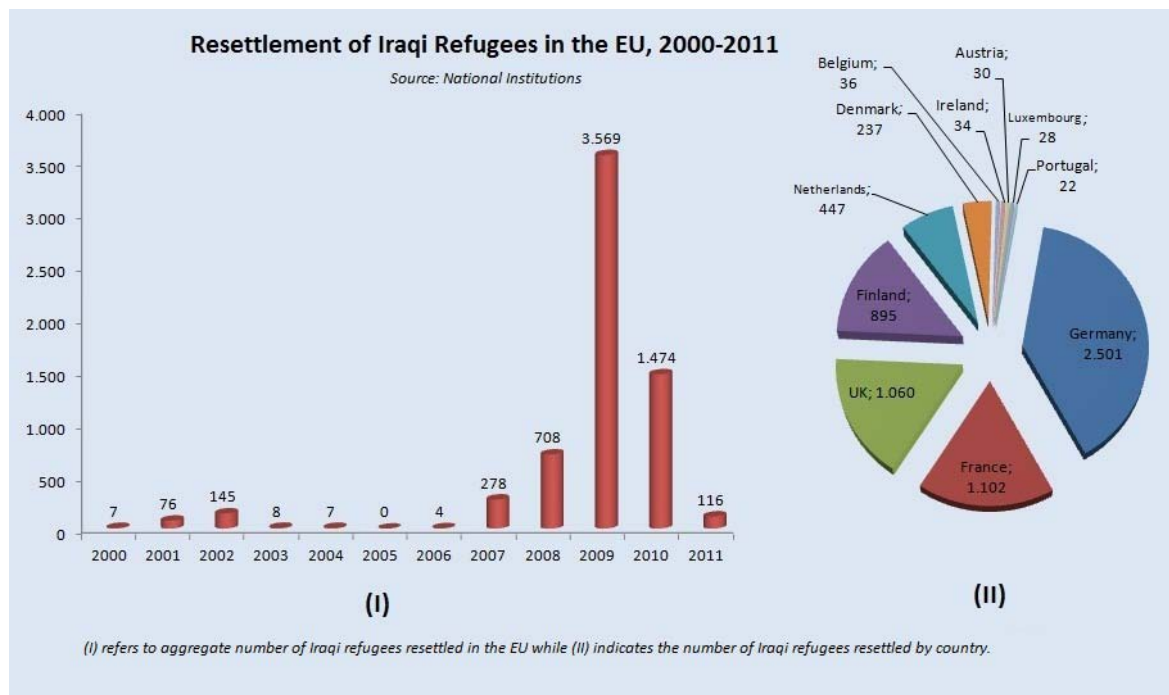
<sup>8</sup> European Council (2008), JHA Council Meeting, Council Conclusions on the reception of Iraqi refugees, Brussels, 27-28 November 2008.

<sup>9</sup> International Catholic Migration Commission (ICMC), 10,000 refugees from Iraq: A report on joint resettlement in the European Union, May 2010.

<sup>10</sup> Churches’ Commission for Migrants in Europe (CCME) Twelve Arguments and Seven Proposals for the EU Refugee Resettlement Scheme, 2009.



2010, concluded that the pledge to resettle up to 10.000 refugees from Iraq had not been met and by December 2009, only about 85 % of the refugee had effectively arrived in the European Union.<sup>11</sup>



Building upon the public consultations carried out in the framework of the Green Paper on the future of the CEAS in 2007, the EC announced in its policy plan of 17 June 2008 that it would make proposals to develop an “EU Resettlement Scheme” in the course of 2009 (in which Member States would participate on a voluntary basis). The new European Refugee Fund (ERF III),<sup>12</sup> which became operational in 2008, provided financial assistance for the resettlement of refugees from third countries to the EU Member States.

The second half of 2009 was of crucial importance for the future of the of EU policy on refugee resettlement. In September 2009, during the Swedish Presidency, the EU Member State with the most extensive experience in refugee resettlement, the EC presented its proposal for an EU Resettlement Scheme.<sup>13</sup> The Stockholm program welcomed the initiative by inviting the EU institutions to encourage the voluntary participation of Member States in the EU resettlement scheme’. The Stockholm Programme was another step further and one that reached a strong institutional consensus.

In addition, on 18 February 2009, the Commission adopted a proposal for the creation of a European Asylum Support Office (EASO) which became operational in 2010. EASO is tasked with providing a structural framework for the carrying out of practical cooperation activities in the field of asylum, including activities related to resettlement.

**The year 2011 was very important on the worldwide political arena,** due to the uprisings in North Africa and the war in Libya both of which created massive flows of people fleeing their countries to seek asylum elsewhere. During the height of the 2011 Libyan civil war, Tunisia absorbed

<sup>11</sup> ICMC “10.000 refugees from Iraq A report on Joint Resettlement in the European Union”, op.cit.

<sup>12</sup> Decision No 573/2007/EC.

<sup>13</sup> Commission proposal (2009) 447 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0447:FIN:EN:PDF>

over a million people seeking sanctuary — Choucha alone received upwards of 18,000 people a day.<sup>14</sup> In response to that, the European Commission organized a pledging conference on resettlement in May 2011 for Member States to pledge places for the thousands of refugees waiting in camps with poor living conditions. The pledging conference was a decisive step towards the adoption of the Joint EU Resettlement Programme (JEURP).<sup>15</sup>

The conference was soon followed by another call for a resettlement plan<sup>16</sup> for refugees stranded in Choucha unable to return to their country of origin, to which a number of MS responded collectively. Thus began a political drive across the European Union for more collaborative resettlement approach, continuing the **joint commitment that had** already started with Iraqi refugees that resulted in offers to resettle 5000 refugees fleeing the civil war in Libya<sup>17</sup> who were residing in the Tunisian Transit camp, near Choucha.

This on-going momentum for resettlement led to the adoption of the JEURP,<sup>18</sup> although it was almost two years later, during which time the proposal remained stuck between institutions mainly due to annual priority setting and because of an argument about which decision procedure to use in connection to the implementation of the Lisbon Treaty. During these two years, it is important to emphasise the importance of the role of the European Parliament in advocating for the adoption of the JEURP.

Up until the adoption of JEURP, resettlement was carried out by EU Member States without much consultation and coordination among each other. There had been several trans-national resettlement-related projects, including “twinning”, which were carried out within the EU over the past few years, using European Refugee Community funds (including ERF).<sup>19</sup> These projects covered a wide range of activities, such as the selection process and reception and integration of resettled refugees. Many different actors, both governmental and non-governmental (international and local NGOs, UNHCR, IOM), from both resettlement and non-resettlement countries participated in projects of this type, with the aim of facilitating the collection of information and the exchange of practices between Member states. These projects and a few joint missions, which took place between 2008 and 2009, paved the way for creating a more favourable environment for resettlement and encouraged more Member States on board.<sup>20</sup>

The central element of the EU Resettlement Programme<sup>21</sup> is a mechanism allowing for the setting of common priorities on resettlement for 2013, as well as more effective use of financial assistance available through the European Refugee Fund which is designed for resettlement activities. The JEURP allowed for closer political and practical cooperation among the Member States, so as to increase the effectiveness and cost-efficiency of their resettlement activities, and the humanitarian and strategic impact of resettlement. The JEURP also provided the impetus for other Member States to take part in resettlement. This political and financial incentive allowed some Member States *to move from ad hoc resettlement to annual/programme-based resettlement*, for example, Belgium and Germany, and for other Member States new to resettlement such as Hungary, *to begin their efforts*.

<sup>14</sup> Kristopher Sobo, 2013 <http://www.mediaglobal.org/2013/07/31/unhcr-helps-tunisia-with-refugees-in-wake-of-libyan-civil-war/>

<sup>15</sup> European Parliament, ‘Comparative Study on the best practices for the integration of resettled refugees in the EU Member States’, pg.17 <http://www.resettlement.eu/sites/icmc.ttp.eu/files/EP%20study.pdf> 2012

<sup>16</sup> European Parliament (2011), Debate on Support to Refugees in Tunisia, 28 September 2011, Strasbourg.

<sup>17</sup> Wafa Baba, Know Reset, Country of First Asylum Report: Tunisia, pg. 8, <http://www.know-reset.eu/?c=00012>

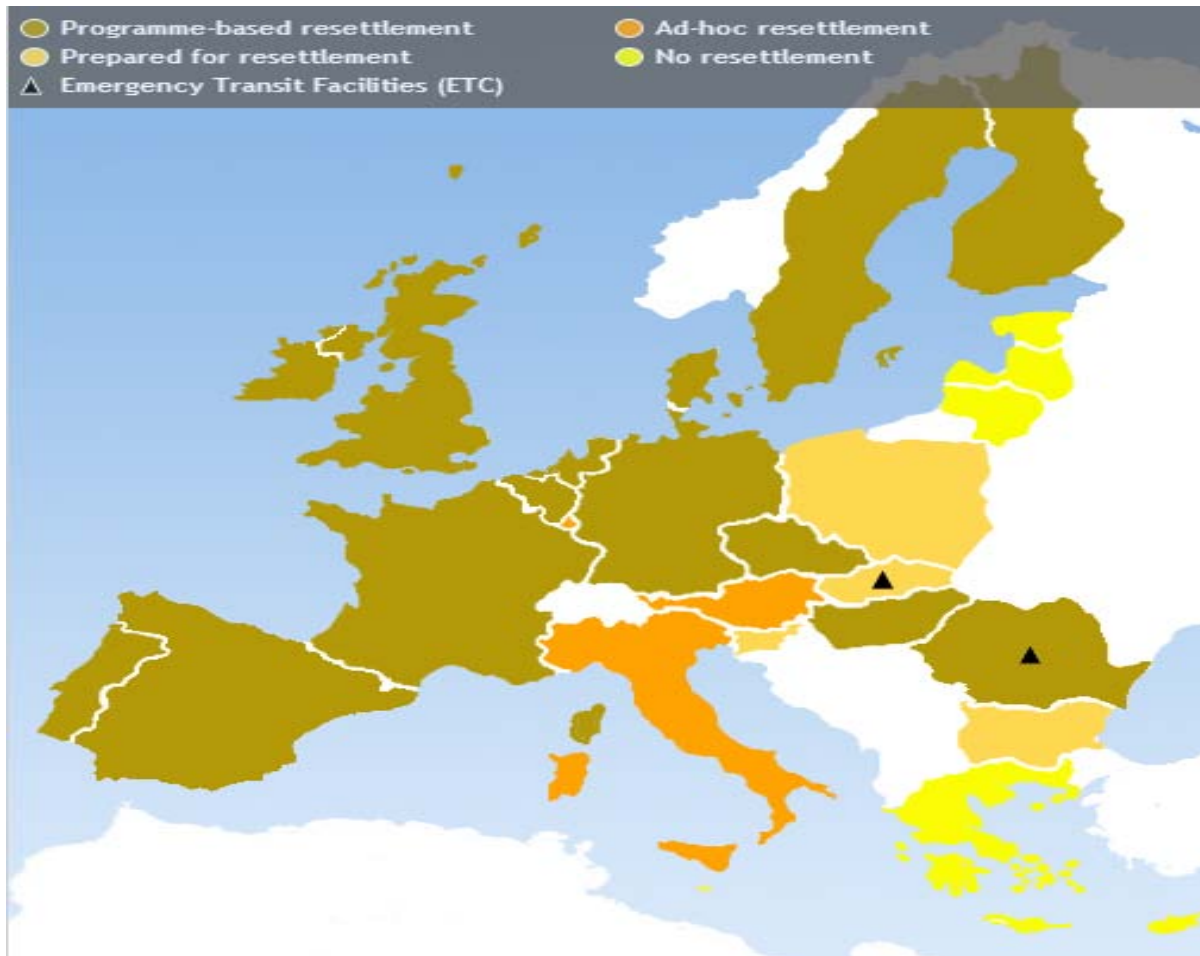
<sup>18</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:092:0001:0003:EN:PDF> 6444/12;  
<http://register.consilium.europa.eu/pdf/en/12/st06/st06444-ad01co03.en12.pdf>.  
 For more information please read “Joint EU Resettlement Programme” in <http://www.know-reset.eu/?c=00069>

<sup>19</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/index_en.htm)

<sup>20</sup> European Parliament, Comparative Study on the best practices for the integration of resettled refugees in the EU Member States, 2012:18 [www.ecre.org/component/downloads/downloads/747.html](http://www.ecre.org/component/downloads/downloads/747.html)

<sup>21</sup> Decision 281/2012/EU of the European Parliament and of the Council of 29 March 2012.

The data gathered in the research points out that there are now more Member States (16) conducting resettlement than ever before, however obstacles remain which hinder the capacity and quality of the resettlement conducted.



Four Member States have only conducted ad -hoc schemes, fourteen Member States have or have had an annual or multiannual programme.

Apart from an increase in committed resettlement places made available by more Member States over the last thirty years, another **innovative approach** is that **resettlement is now more regulated and framed**: 13 EU countries refer to resettlement in Law. 15 EU countries have adopted governmental acts related to resettlement.<sup>22</sup>

In addition to this level of formal commitment, our research has shown that socio-economic factors remain an influential part of the decision process on behalf of Member States. This leads us to believe that *issues and challenges related to resettlement policy cannot be addressed in isolation from broader migration trends and issues*.

This means that any national public discussion on resettlement does not take place in a vacuum but is entangled with other migration issues. The public remain largely unaware of resettlement occurring, to the point where there is confusion regarding the difference between asylum seekers, economic

<sup>22</sup> Know Reset, Formal Basis for Resettlement and Effective Resettlement in the EU Member States, <[http://www.know-reset.eu/files/texts/00700\\_20130812105725\\_final.pdf](http://www.know-reset.eu/files/texts/00700_20130812105725_final.pdf)> June 2013

migrants and resettled refugees.<sup>23</sup> Public opinion has shifted even in traditional resettlement countries to people being more reluctant to resettle more refugees. This is partly linked with the asylum “crisis” in a few countries like Belgium, for example.

The impact of the economic crisis has been specifically named in a number of cases. Policy makers (Governments) in a few Member States (like Spain) have been cautious not to refer to resettlement efforts openly due to the economic crisis and the fear of negative backlash from the public. The worsening economic situation across and Eastern Europe has affected also Bulgaria and the country’s recent initiatives in the area of resettlement.<sup>24</sup> Other countries not engaged to resettlement are affected by this too.

Some states have resettlement mechanisms in place and have had such mechanisms for a number of decades, whereas other states are new to the process and have not the same level of experience. This was reflected in the Know Reset research, in each Member State Country Profile, **collated** here in this paper, where we saw real diversity in capacity. With such diverging capacities across the Member States *it still remains important that states maintain the high quality of resettlement*, as well as the fulfilment of the quantitative expectations set by quotas.

Recently, with no end to the conflict in sight in Syria, the UN agency has urged EU nations to offer asylum to some 10,000 Syrians this year and another 30,000 in 2014.<sup>25</sup> To date, Germany, Austria, France, Finland, the Netherlands, Spain, Sweden, Luxemburg, Hungary and Ireland<sup>26</sup> are amongst countries who have accepted to resettle Syrian refugees.

## ii. About the report and method research

The research undertaken as part of the Know-Reset project examined all 27 EU Member States, both those that have resettlement experience and those that do not, in an effort to bring about a better understanding of resettlement and the potential expansion of resettlement practices in Europe. The different approaches to resettlement, the historical relationship with resettlement, and the legal framework of resettlement were thoroughly analysed in each country. As a result of the project, 27 country profiles, an online database at EU level (EU legal and policy documents directly or indirectly linked to resettlement) and of national information<sup>27</sup> (on different legal and administrative framework, statistic, policy statements and debates, and reports), and tools for quantitative and qualitative country comparison have all been published on the Know-Reset website.<sup>28</sup>

The research covers resettlement and non-resettlement Member States of the European Union (MS). Within the MS which conduct resettlement, there are two broad types of resettlement:

- *Ad hoc* resettlement, which responds to situations as they happen with no pre-defined quota;
- Programme-based resettlement in which MS set annual or multi-annual quotas.

In addition to this, the research was guided by two overriding questions:

- What is the current resettlement policy and practice in Europe and how can EU Members states do more and better?

<sup>23</sup> Know Reset, Finnish Country Profile, [http://www.know-reset.eu/files/texts/00151\\_20130705130136\\_knowresetcountryprofilefinland.pdf](http://www.know-reset.eu/files/texts/00151_20130705130136_knowresetcountryprofilefinland.pdf)

<sup>24</sup> <http://www.know-reset.eu/?c=00146>, pg.1

<sup>25</sup> <http://www.unhcr.org/5249282c6.html>

<sup>26</sup> Ibid.

<sup>27</sup> For more information please see: <http://www.know-reset.eu/?c=00002>

<sup>28</sup> Know-Reset Website, <<http://www.know-reset.eu/>>

- Do existing resettlement systems in Europe meet the needs of refugees, and what can be done to improve these systems?

To answer to those questions, background research was conducted in each country engaged in resettlement, including desk and field research. Field research consisted of a series of semi-structured interviews<sup>29</sup> with relevant authorities in each EU Member States, as well as other stakeholders at national level. Desk research also included background statistical research. For each EU country, data on resettlement and related phenomena on asylum and immigration were provided by national institutions. The on-line database<sup>30</sup> now provides statistics for each Member State. Background research and interviews were also conducted in other EU countries not committed to resettlement for comparison.

By looking at both types of resettlement (**programme-based resettlement and ad hoc**) at two distinct stages of the resettlement process (from pre-departure to post-arrival of refugees), the research enabled us to compile an inventory of the legal frameworks and actual practices of each resettling EU member state.

The first part of the paper builds on the major elements in any resettlement programme, which are identified and explained in each sub-section. As part of this review the resettlement programmes of **14 Member States** are discussed: **four**<sup>31</sup> of the “traditional” countries of resettlement, which are Denmark, Finland, The Netherlands and Sweden, together with the other **ten** EU Member States implementing programme-based resettlement, which include: Belgium, Czech Republic, France, Germany, Hungary, Ireland, Spain, United Kingdom, The Netherlands, and Romania.<sup>32</sup> Other ad hoc programmes and measures in other EU Member States are also considered.

Various trends emerged during the examination of differences between resettlement Member States, which also had an impact on identifying the potential for future resettlement in non-resettlement Member States. These trends can in part explain whether and how resettlement can quantitatively be increased (more numbers resettled), whilst at the same time boosting the quality of resettlement programmes (better conditions and smoother processes). Trends emerged around four distinct categories:

1. **Methods used:** How are quotas set by Member States, and how does this affect decisions making? How are refugee selected, and by whom?
2. How is the setting of quotas linked to the country's overall foreign policy (provided that there is enough evidence to evaluate this) and development objectives?
3. **Actors involved:** Who are the stakeholders involved in the process? What is the division of roles between the national government, NGOs and local authorities? What human resources are available for resettlement programmes from the national governments?
4. **Funding:** Is there enough EU financial assistance and/or national funding to ensure that quality resettlement is conducted? Has the economic crisis in Europe influenced decisions to resettle?
5. **Political will:** What is the overall political debate around asylum in the country, the overall asylum situation and needs? Is there a preference for the kind of refugees accepted? How far do public opinion and the media influence resettlement decisions? What other factors contribute to resettlement decisions?

<sup>29</sup> Some names are cited in the report, others are not when the interviewees did not wish to be named.

<sup>30</sup> <http://www.know-reset.eu/?c=00011>

<sup>31</sup> Norway is not included in the research as it is not part of the EU.

<sup>32</sup> Bulgaria plans to implement a resettlement programme in 2014.

To assess the current and future capacity of Member States carrying out resettlement, and the potential of future resettlement in non-resettlement Member States, these four categories, were examined further in the first section of the paper, entitled ‘2013: Resettlement capacity at a glance’.

It should be noted that the capacity for integrating resettled persons is beyond the scope of this paper. Other recent reports have covered this issue in depth for example the EP comparative study on the best practices for the integration of resettled refugees in the EU Member States<sup>33</sup> and the new UNHCR Guide on the Integration of Resettled Refugees.<sup>34</sup> The EP study examines the question of the integration of resettled refugees in Europe, by analysing the policy framework for resettlement and refugee integration and the practices at the national and the European level. The UNHCR Guide explains the essentials for establishing a resettlement programme and the fundamentals for achieving sustainable resettlement programmes.

As a result, this paper does not focus on material capacities (eg, housing, etc), although it did come up in the research that the reception and integration of resettled refugees poses challenges to resettlement countries, local authorities, local communities, and partners. Some important elements of reception capacities and their impact, however, will be touched upon in the course of the paper as a crucial cross cutting issue such as the lack of specific reception/accommodation facilities.

The first part of the paper builds on the major elements in any resettlement programme, which are identified and explained in each sub-section. As part of this review the resettlement programmes of 14 Member States are discussed: four<sup>35</sup> of the “traditional” countries of resettlement, which are Denmark, Finland, The Netherlands and Sweden, together with the other 10 EU Member States implementing programme-based resettlement, which include: Belgium, Czech Republic, France, Germany, Hungary, Ireland, Spain, United Kingdom, The Netherlands, and Romania,<sup>36</sup> Other ad hoc programmes and measures in other EU Member States are also considered.

The second section entitled ‘The Future of Resettlement in Europe’ explores the possibility to conduct more and better resettlement across the European Union. Finally, the conclusions of the Know Reset findings are included, followed by a set of recommendations for more effective resettlement in Europe.

## II. Resettlement practices and capacities across Europe

**Sub-section A** looks at the question of whether the number of resettlement places made available has increased or not in parallel with the expansion of the number of EU resettlement countries.<sup>37</sup> One would think that there would be a considerable increase in the number of resettlement places automatically with the expansion in the number of EU resettlement countries, but the research indicates that is not necessarily the case.

**Sub-section B** looks at the method used in selecting refugees and in setting the quotas which from the research also impacts on the capacity of host member states to resettle. The national Governments are the main actors in this phase.

Although national governments are responsible for the selection of refugees for resettlement, Regional and Local Authorities play a central role in offering reception and integration support once

<sup>33</sup> European Parliament, ‘Comparative Study on the best practices for the integration of resettled refugees in the EU Member States’ <http://www.resettlement.eu/sites/icmc.ttp.eu/files/EP%20study.pdf> 2012

<sup>34</sup> <http://www.unhcr-centraleurope.org/pdf/resources/legal-documents/unhcr-handbooks-recommendations-and-guidelines/unhcr-guide-on-the-integration-of-resettled-refugees.html>

<sup>35</sup> Norway is not included in the research as it is not part of the EU.

<sup>36</sup> Bulgaria plans to implement a resettlement programme in 2014.

<sup>37</sup> Please note that the statistics gathered in the framework of this project covers the period 2000-2011.

refugees have arrived. The success of national refugee resettlement programmes thus depends on the commitment, ability and partnerships of cities, municipalities and regions. In addition to this, it is also important to highlight the major role that NGOs play in the whole resettlement process. **Sub-section C** assesses the level of cooperation between these actors, the services they provide and the extent of their involvement on the effectiveness of resettlement. The analysis of this section clearly shows that cooperation between stakeholders not only varies from one country to another but also within each country.

A further section on the economics of resettlement elaborates upon the type of the information necessary to understand how much resettlement costs. Financial incentives continue to play an important role in encouraging resettlement across the EU Members States, so the existing funding at EU and national level will also be important and is looked at in **sub -section D**. This section will also analyse the impact that the ERF has had in Member States to increase the number of refugees resettled in each of them. Going back to the paper “Twelve Arguments and seven proposals for the EU Refugee Resettlement Scheme” published by CCME on 29 June 2009,<sup>38</sup> it is interesting to note that this research indicates the same results, namely that: Member states (especially the smaller ones or poorer ones) have often been reluctant to engage in resettlement because they believe that the infrastructure for a resettlement programme may be too costly.

Crosscutting aspects of political reasoning and decisions about resettlement are analysed in **sub-section E**. This sub-section analyses not only the current political socio-economic factors affecting EU Member States engaged in resettlement; but also the future political trends in both resettlement and non-resettlement EU countries relating to political decisions regarding their commitment or lack of, to resettlement. The impact of public opinion and media is also explored in this sub –section. It seems that with strong public support and demonstrable political will, adequate resettlement possibilities and good cooperation with the regional and local authorities,<sup>39</sup> European resettlement efforts may better respond to dramatic resettlement needs.

#### **A. Capacity in terms of numbers: more new resettlement countries, more places?**

According to UNHCR the number of people currently in situations of displacement has reached 45 million worldwide, the highest figure for 14 years. While global resettlement needs now stand at 691,000, not including the massive outflow of refugees fleeing the crisis in the Syrian Arab Republic, the number of annual quota places from UNHCR submissions<sup>40</sup> sits at 86,000. This highlights the huge disparity between resettlement needs and state response.<sup>41</sup>

In the context where the global protection needs are larger than the willingness and capacity of host countries to resettle, the question “who to resettle” and “how many” is a pressing and critical one for EU Member States. The evidence found in the course of this research highlights many factors which emerge around the four distinct categories examined above: method used, actors involved, political will and funding. A few of them related to capacity in terms of numbers and methods used will be elaborated upon this section.

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<sup>38</sup> These are available at:

<http://www.ccme.be/secretary/NEWS/090629%20RR%20CCME%20considerations%20and%20recommendations%20EU%20RR%20scheme%20FINAL.pdf>

<sup>39</sup> Interview with Janneke van Etten, Senior Policy Officer at the Ministry of the Interior and Kingdom Relations, Migration Policy Department , Asylum, Reception and Return, Netherlands.

<sup>40</sup> UNHCR Resettlement Handbook, June 2011 Chapter 6: UNHCR Resettlement Submission Categories  
<http://www.unhcr.org/3d464e842.html>

<sup>41</sup> UNHCR, Projected Global Resettlement needs 2014. <http://www.unhcr.org/51e3eabf9.html>



The research also suggests that a link between the number of asylum seekers and of resettlement arrivals exists, even if it varies from one country to another. Even though the evidence is not clear, there seems to be a point at which an increasing number of asylum seekers impacts the government's decision to engage in resettlement or vice versa. Resettlement programmes can also impact the number of asylum seekers arriving in the EU. For example, France saw the number of asylum seekers increasing very significantly over several years (from 35,520 applications in 2007 to 57,113 in 2011), which causes difficulties in terms of reception and accommodation. Under these circumstances, it is difficult to envisage more cases of resettlement. In an interview, the Finish Refugee Advice Centre considered that "It would be good if the EU could create mechanisms through which countries that receive less asylum seekers would be motivated to increase their resettlement quota. Refugees and asylum seekers are often seen as two separate groups and a holistic approach is lost". More evidence is found in the Belgian case where the number of persons to be resettled is a political decision. Various factors are relevant, including the number of regular asylum seekers and the situation of the reception network. In 2009 but especially in 2011, the reception network and the national asylum system in Belgium were under very severe pressure, which led to a relatively restrictive number of resettlement places. Although the choice of countries has not been based on strategic choices connected to Belgian Foreign Policy so far.<sup>42</sup>

In 2000, the UK Home Secretary Jack Straw, proposed an EU-wide programme that would have impacted the number of asylum seekers arriving in Europe and in 2002 the UK government published a white paper "Safe Borders, Safe Haven" proposing reforms to the UK's immigration system. These included provisions to develop a resettlement programme based on quotas in order to open a legal and safe route to the UK for vulnerable refugees and to avoid them falling into the hands of smugglers and traffickers.

The table below gives a snap picture of the number of refugees granted protection during the last decade in the European Union. Despite the arguments above, the numbers show that it is the countries receiving more asylum seekers who also resettle more refugees.

<b>Number of Refugees Granted Protection in the EU Member States, 2000 - 2011</b>				
<b>Rank</b>	<b>Country</b>	<b>Admission to Refugee Status</b>	<b>Resettlement</b>	<b>Total Protection Granted</b>
1	<i>Sweden</i>	120,350	18,957	139,307
2	<i>United Kingdom</i>	115,113	3,637	118,750
3	<i>Italy</i>	112,602	151	112,753
4	<i>Germany</i>	105,577	2,756	108,333
5	<i>France</i>	85,189	1,456	86,645
6	<i>Netherlands</i>	70,516	4,621	75,137
7	<i>Denmark</i>	30,250	6,003	36,253
8	<i>Austria</i>	33,027	30	33,057
9	<i>Belgium</i>	25,358	72	25,430
10	<i>Finland</i>	10,453	8,305	18,758

Source: National Institutions. The term "Total Protection Granted" refers to the total number of Admission to Refugee Status and Resettlement. The term "Admission to Refugee Status" indicates the number of refugees granted protection under refugee status, and other type of protection (i.e. subsidiary protection, humanitarian protection) while "Resettlement" refers to protection granted by resettlement activities.

Note: No information available to Know Reset for following countries and years: the UK (2000), Italy (2010, 2011 information available only from national authorities, see country page for detailed information), France (2000, 2011), Austria (2000, 2001), Belgium (numbers indicate of number of files instead of number of individuals).

Deciding how many refugees to resettle is in many ways about defining the nature of the programme as well as the image<sup>43</sup> of the resettlement country in the global refugee protection system.

<sup>42</sup> Written interview with Ewout Adriaens, op.cit.

<sup>43</sup> Ibid.



For example, in the Swedish context, it is very important that politicians are not afraid to stand up for refugees and openly say that Sweden needs to show solidarity. In addition to this, politicians always include resettlement in the talks about asylum issues as an important issue.<sup>44</sup> Since the resettlement of refugees plays an important role in the EU's external policies on asylum, the involvement of Romania in the resettlement programme was driven also by the desire to assume more responsibility as an EU Member State.<sup>45</sup> The research shows that there is no implementable guideline in determining how many resettled refugees would be a 'good' number for any given state. This is mainly linked with the way Member States decide on the annual numbers and their levels of setting a 'quota', a 'target' or a 'ceiling'. The decision on the national annual budget also impacts on the annual numbers along with political will and the capacity for reception and integration. Sweden, for example, in contrast with most other member states, links a specific amount of resources to each refugee entering the country, rather than making a standard budget available. The UK is aspiring to increase the quota by 1000 per year when this becomes affordable. The present financial climate suggests that additional money for resettlement is unlikely to be available in the near future and the focus will need to be either: increased funding from Europe; or reducing the levels of support and accommodation to refugees in order to increase the numbers resettled within the existing budget.<sup>46</sup>

The adoption of the Joint EU resettlement Programme, in March 2012, was a positive step towards increasing the number of resettlement places made available by EU Member States. However, the resettlement capacity has not significantly increased in parallel with the expansion in the number of EU resettlement countries. Efforts by EU member states in resettlement are still limited particularly compared to the global resettlement needs as well as their potential capacity.

A comparison of the two graphs/maps below proves that although the EU map of resettlement countries<sup>47</sup> is expanding with more Member States committed to resettlement, the rate has not kept pace with the number of refugees resettled. If we refer to the data gathered by the Know Reset project in 2011<sup>48</sup> (4,325 refugees) then the EU resettled 1,062 refugees less in that year than in 2010 (5,387 resettled refugees).

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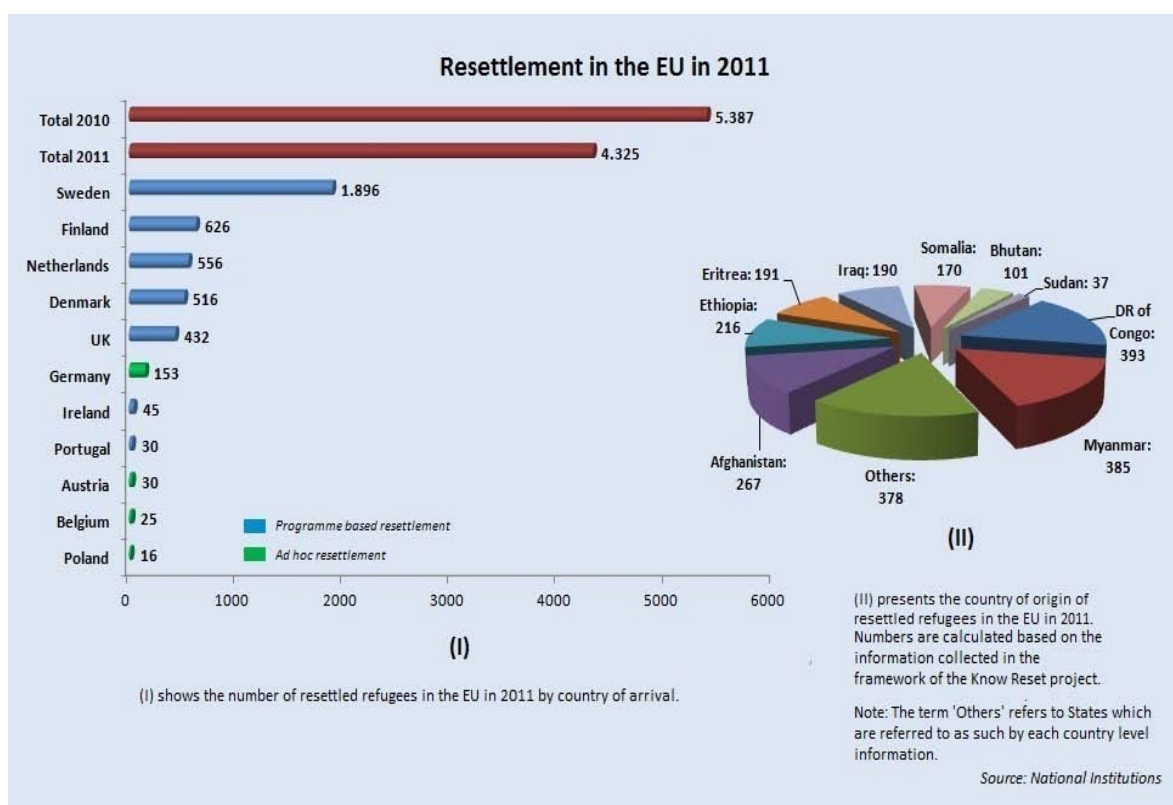
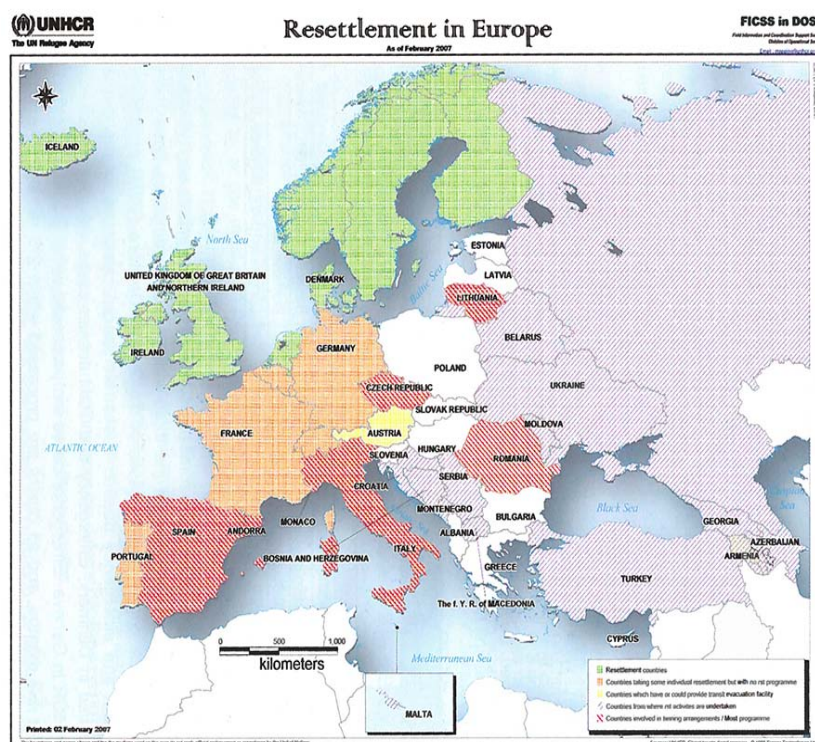
<sup>44</sup> Interview with the Swedish Justice Ministry.

<sup>45</sup> Interview with the RUMANIAN OFFICE OF IMMIGRATION, op.cit.

<sup>46</sup> Interview with Dave Atkinson, Refugee Team, London and South East Region, UK Border Agency 16/05/12.

<sup>47</sup> Know Reset Website 2013 <<http://www.know-reset.eu/?c=00001>>

<sup>48</sup> Know Reset, Resettlement in the EU in 2011, 2013, <<http://www.know-reset.eu/?c=00689>>



As a result, we can say that despite an increase in the number of countries resettling, Europe's overall contribution to global resettlement remained approximately the same (7.9 % of the total number of refugees resettled in 2007 as compared to 2011 and 8.3 % in 2012).<sup>49</sup>

The total number of individuals that European Member States have committed to resettle in 2013 is approximately 5,500.<sup>50</sup>

14 Member states<sup>51</sup> implement resettlement programmes, many with relatively small numbers. In December 2012, the Hungarian Government announced the establishment of an annual resettlement programme thus becoming one of the newest States in Europe to resettle, together with countries like Spain, Belgium, Germany and Bulgaria. **New resettlement countries are initially able to offer only a very limited number of places**, as they require time and resources to build their capacity to develop and implement their resettlement programmes. However, for resettlement to fulfil its function as a meaningful demonstration of solidarity with countries of first asylum and as a useful component of a comprehensive durable solutions strategy, **resettlement numbers need to be more significant in comparison with the number of refugees waiting for resettlement in the country of first asylum**. It is of paramount importance that Member States at least maintain their pledges. Hungary for example, considered the resettlement of a big family in 2012-2013 as a pilot programme but at the end resettled only one refugee.<sup>52</sup> Likewise, in Bulgaria the difficult economic and political environment meant that the official launch and the implementation of the resettlement programme that had been approved since 2010, had to be postponed.<sup>53</sup>

The graph below demonstrates clearly the share of resettlement within the EU for the last decade. It also indicates the size of the impact which the traditional European resettlement Member States<sup>54</sup> have with regard to the number of resettled refugees.

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<sup>49</sup> ICMC, 'Welcome to Europe: A Guide to Resettlement' 2013

[http://www.icmc.net/system/files/publication/welcome\\_to\\_europe\\_a\\_guide\\_to\\_resettlement\\_a\\_comp\\_64641.pdf](http://www.icmc.net/system/files/publication/welcome_to_europe_a_guide_to_resettlement_a_comp_64641.pdf)

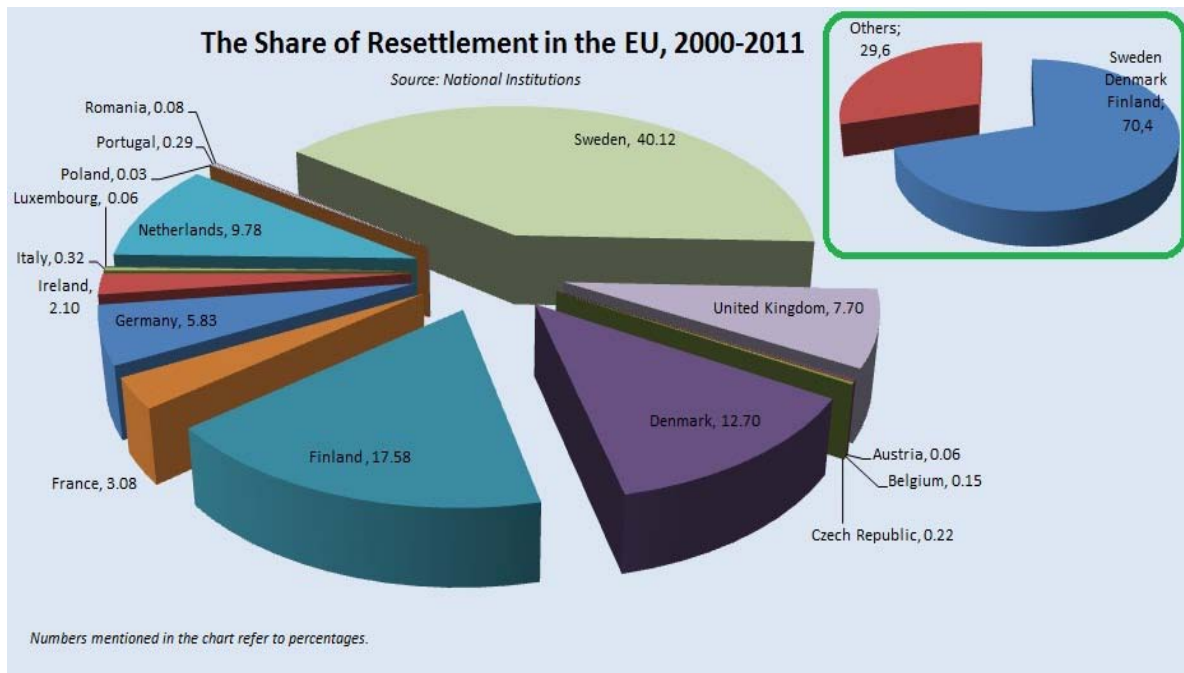
<sup>50</sup> Ibid.

<sup>51</sup> Know Reset, Formal Basis for Resettlement and Effective Resettlement in the EU Member States, <[http://www.know-reset.eu/files/texts/00700\\_20130812105725\\_final.pdf](http://www.know-reset.eu/files/texts/00700_20130812105725_final.pdf)> June 2013

<sup>52</sup> Hungarian Country profile, <http://www.know-reset.eu/?c=00155>

<sup>53</sup> Anna Andreeva, Bulgarian State Agency for Refugees, Know Reset Conference, Brussels, 10 July 2013.

<sup>54</sup> Denmark, Finland, Netherlands and Sweden (Norway not included in here it is not part of the EU).



The decision to resettle a refugee from another country is taken by the government of the resettlement country. The resettlement country decides on the numbers of refugees it intends to resettle, on the nationalities of the refugees resettled, on the countries from which resettlement takes place and on specific categories of refugees it wants to resettle. Resettlement is generally carried out with the UNHCR acting as an intermediary.

While the general and basic decision “to resettle or not” seems to be quite straightforward, another question on how to set quotas still remains open: should the Member States apply a quota, a ceiling or a multi-year target for resettlement?

Before going through the challenges as to why the available annual quotas are not fulfilled, it is important to emphasise the differences between the settings of levels as described below:

A quota has an advantage as it gives a precise quantity for measuring the success or failure of resettlement programmes. A fixed quota system can also become a disadvantage either when it cannot be filled, or proves insufficient to the needs in reality. Similarly, a ceiling sets up an upper limit as well as expectations for the programme. European Member States do not currently apply a ceiling, but other countries like the US do.<sup>55</sup> A target level has the advantages of flexibility and range, with less opportunity for any failure (in numbers) in the programme.

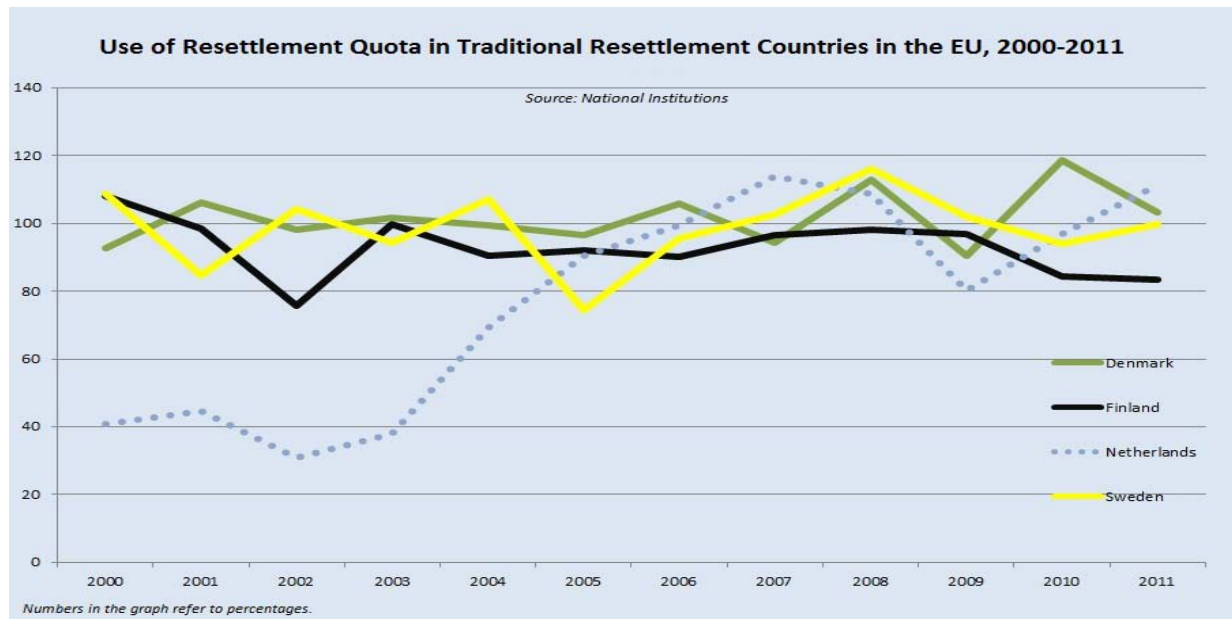
At present, resettlement programmes in Member States such as Denmark and the Netherlands are based on quotas planned on a multi-year basis. Additionally, recently, Germany has decided on a 3 year-quota. Other resettlement programmes in Member States such as Finland, Sweden, the UK, Portugal and Ireland are set on an annual basis, but with fixed quotas, often fixed many years ago. France has had the same fixed quota since 2008. Finally, resettlement programmes in Belgium, the Czech Republic, and Spain, are based on a quota decided every year. For Hungary, the first “quota” was a test so there is no information on how that will be applied in the future. Furthermore, Bulgaria is

<sup>55</sup> Joanne van Selm, Tamara Woroby, Erin Patrick and Monica Matts, Study on The Feasibility of setting up resettlement schemes in EU Member States or at EU Level, against the background of the Common European Asylum system and the goal of a Common Asylum Procedure, 2003  
[http://ec.europa.eu/dgs/home-affairs/elibrary/docs/pdf/resettlement\\_study\\_full\\_2003\\_en\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/elibrary/docs/pdf/resettlement_study_full_2003_en_en.pdf),

a non-resettlement country but will participate in the joint EU Resettlement Programme by developing and implementing a small-scale (20 refugees) pilot resettlement programme in 2014.<sup>56</sup>

As stated in many country reports, the available specified numbers of resettlement places within a defined period are rarely fully filled in most of the countries. The numbers are set annually, and any places not filled are simply 'lost'. This may seem to be a common feature yet the research shows that the motives differ from one country to another.

Taking the traditional European resettlement countries, which have a long experience of resettlement, as examples, they made a quota of over 7,000 refugees available in total during the period 2008-2011. However, as we shall see later on, not all these places were actually filled.

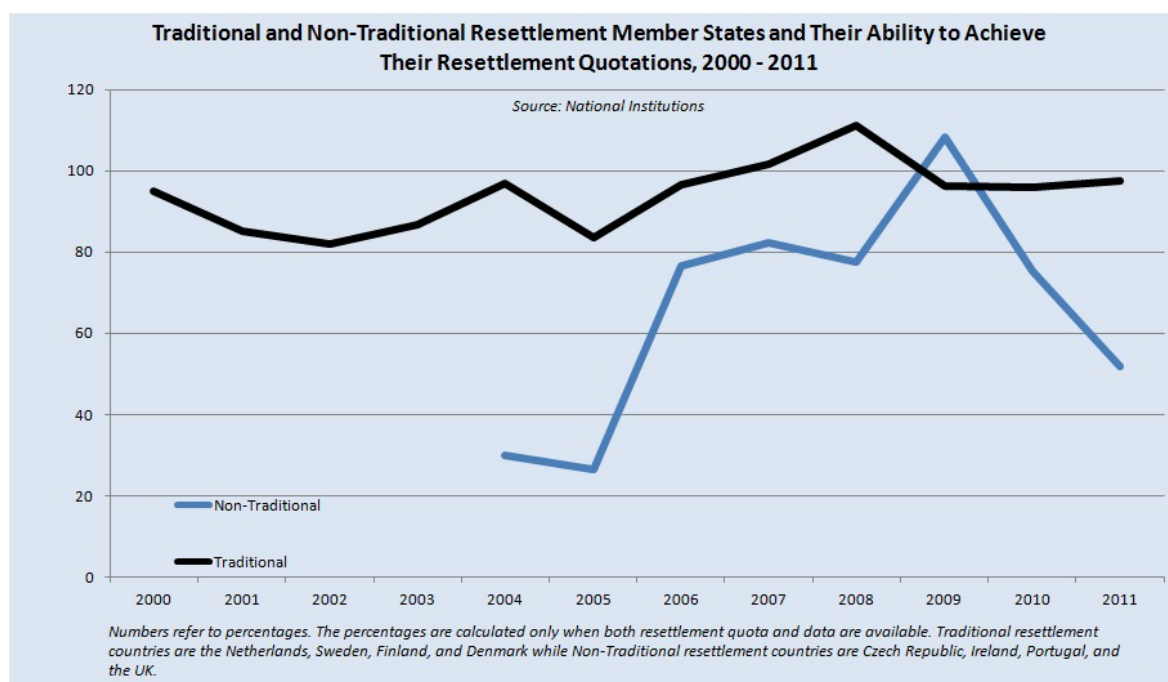


The graphs which also point out that in recent years (e.g. 2009-2011) the traditional resettlement Member States have kept more or less the same pace in resettling refugees. However, in some of the non-traditional Member States<sup>57</sup> there has been a significant decrease in numbers.

<sup>56</sup> Declaration of the State Agency for Refugees with the Council of Ministers, 24 March 2011. "Bulgaria – equal partner in the building of the Common European Programme on Resettlement of Refugees, confirmed the 23 and 24 March, 2011 in Sofia." <http://www.aref.government.bg/?cat=13&newsid=399> [accessed 14 November 2011]. Available only in Bulgarian.

<sup>57</sup> Non-traditional Member States included in this graph are Czech Republic, the UK, Ireland and Portugal.





The few examples examined below describe the challenges in filling the quotas. In Finland since 2001, the quota has been fixed at 750 refugees per year. This quota has never been filled but the number of resettled refugees varies from year to year. Ireland is another example, which has fixed a resettlement quota of 200 persons per year, which was filled until the economic crisis began (in 2009 Ireland resettled 192 refugees and during the last few years between 20 to 49 refugees have been resettled per year).

Filling the quotas has also been a consistent problem in the UK, where the quota of 750 was achieved for the first time in 2011/2012, mainly because of budget issue. For Sweden unused quotas cannot be rolled over to the following year. The quota in Sweden is not always reached mainly because of logistical reasons.

In addition to this Romania also committed to resettle a maximum of 120 refugees for the duration of the Programme (3 years), in annual quotas of 40 refugees, which it failed to fulfil. Only 38 refugees were resettled in the context of this provision, representing the quota due in 2009 and the programme was subsequently suspended. Resettlement was fully funded by the ERF.<sup>58</sup> The quotas due for 2008 and 2010 have not been fulfilled due to the delayed approval of Government Decision no. 1596/2009 on the resettlement of refugees in Romania, as well as due to the economic and social situation resulting from the global economic crisis.<sup>59</sup>

The exceptions to this are found in Denmark that has a three-year programme quota (1500 refugees /3 years) and the Netherlands, which has four- year programme quotas (2000 refugees /4 years).

In the case of the Czech Republic, the system is based on annual quotas and was chosen due to its flexibility as it could be changed each year according to the current situation. Between the years 2008 – 2010, on the basis of the National Resettlement Strategy, 81 Burmese refugees from Malaysia and Thailand were resettled; in 2008 9 families were resettled and in 2010 it was 8 families. In 2011 no

<sup>58</sup> Interview with the Romanian Office for Immigration (ROI), 23 January 2012.

<sup>59</sup> Ibid.

resettlement activities were implemented, in the same year the Ministry of Interior committed to resettle- under the Czech ERF annual programme for 2012- 40 persons in 2012.<sup>60</sup>

Challenges were also identified in Spain. Despite the willingness to resettle, especially after the formal approval of the resettlement programme (2010-2011) in the Council of Ministers, Spain failed to carry out any resettlement until 17 July 2012, when Spain resettled 80 refugees following the UNHCR Global Resettlement Solidarity Initiative in 2011.<sup>61</sup>

As mentioned earlier Hungary could not maintain its pledge to resettle one big family and in the end resettled only one refugee.

It is also worth briefly mentioning the added value of the past ad hoc programmes that offered resettlement to many refugees in need. As many of Member States have moved away from ad hoc resettlement to annual/programme-based resettlement, they will not be examined under this section.

The information above and the Know Reset country profiles clearly demonstrate that that difference in the numbers of resettled refugees and the “loss” in the quotas can be attributed to a number of factors such as reception capacities, socio economic situation, financial means etc. The case of Finland deserves particular attention. According to the Finnish authorities, *“this is mainly due to the lack suitable candidates proposed by UNHCR and the lack of flexibility in changing allocation decisions to include candidates from other regions. Since the Finnish Government policy regarding selection is explicitly based on humanitarian criteria and not on integration perspectives, it is unclear why the set of quota cannot be fulfilled. It may also be linked to the reluctance of the municipalities to resettle refugees and the fact that they do not get enough compensation from the state for the integration services they provide. The municipalities may also refuse to resettle refugees with special needs (medical or other) on the grounds that they are unable to provide adequate services due to a lack of resources. There have also been complaints from resettling municipalities that the information provided by UNHCR on submitted cases with special needs has been insufficient and, at times, not updated. This can lead to expectations of refugees and those of the receiving staff being very different and can in turn negatively impact upon the integration process. Some municipalities may also feel uncomfortable in resettling refugees with a different skin colour due to negative attitudes locally, both among the population and the policy makers. It is important to point out that the Finnish municipalities are very independent from the central state and cannot be forced to resettle against their will. The decision to resettle is taken through a political process in the municipalities.”*<sup>62</sup>

In the case of Ireland, the resettlement of refugees for the year 2012 has taken place and official figures will be released at the end of the year. The reason for the failure to meet the quota in recent years has been put down to Ireland’s current economic difficulties. Thus the quota of 200 persons is in name only at present, with annual quotas being fixed on a year -by -year basis: for example a quota of 50 persons was fixed in 2010 (with 5 places reserved for medical cases).<sup>63</sup>

Furthermore, it is equally important to note that the statistics provided in the above graphs are related to the number of refugees already resettled in the host Member States and are not the numbers referred to in their pledges or the settled annual quotas. As we shall see, **there is a disparity in**

<sup>60</sup> Know Reset, Czech country report, <http://www.know-reset.eu/?c=00148>

<sup>61</sup> Know Reset, Spanish country Report, <http://www.know-reset.eu/?c=00168>

<sup>62</sup> Know Reset, Finish Country Report, <http://www.know-reset.eu/?c=00151>

Collated information from the interviews with stakeholders. Ann-Charlotte Sirén-Borrego, (ECRE ) Qualitative National report for Finland , May 2012

<sup>63</sup> Know Reset, Irish Country Report 2013, [http://www.know-reset.eu/files/texts/00164\\_20130705130333\\_knowresetcountryprofileireland.pdf](http://www.know-reset.eu/files/texts/00164_20130705130333_knowresetcountryprofileireland.pdf)

**numbers between the established annual quota and the number of refugees effectively resettled in each Member States.**

In some Member States, a roll-over of unfilled places can occur. Some other states count the number of people selected in a year, regardless of the precise moment of their travel; others count people who arrive during a given year, and others the quota committed. For example in Sweden, another reason for not reaching the quota is that Sweden counts refugees that actually arrived in Sweden as fulfilled quota, not those who were selected but not transferred (because of conflict etc.)<sup>64</sup> For this reason, the statistics used in this project highlight to some extent the difficulty in comparing data. There is a disparity in the yearly figures provided by UNHCR and Know Reset due to this difference in counting. Comparing the figures for the year 2010, provided by UNHCR and Know Reset project, we see that there is a difference in the number of resettled refugees of 382. UNHCR data says that in 2010 4 707 refugees were resettled instead of 4.325 which is the figure provided by Know Reset. Therefore, the way the number of resettled refugees is calculated is crucial as it impacts what we actually know concerning the total number of refugees resettled. This also impacts the judgements made to increase numbers or not of resettled refugees each year.

*However, despite the fact that the total number of resettled refugees per year is a “drop in the ocean” in view of global resettlement needs, we should not forget that it offers a chance for a new beginning for every resettled refugee.*

If Member States decide to have a common system of level setting for an EU programme, it is suggested that they establish a collective target range and a bidding process allowing them to determine their own target within the collective target.

Planning for total arrivals would be useful, particularly if the total number of arrivals might be high. Allowing flexibility in distribution of places would be advantageous.

The following Recommendations were drawn up on the basis of a comparative overview from the Know Reset Country Profile data.

- The research indicates that the existing quotas should be used as baseline figures not as a ceiling.
- Multiyear planning (e.g. three years) should be implemented in terms of numbers (flexible quota) and also in terms of priorities. This would give more certainty to UNHCR, local authorities and NGOs and enable them to plan their integration efforts more effectively. If substantial changes take place in terms of the refugee groups most in need of resettlement, the plans could be altered during the period. This would also mean a better allocation of funds for different projects run by NGOs.
- By introducing a multi-year quota, the yearly national and international bureaucratic decision-making process could be avoided and resources could thus be better directed into planning, developing and implementing the scheme. However, for some Member States, especially the smallest and the poorest countries, multi-year budgeting is not yet an existing option due to the economic crises.
- Governments need to secure their annual or multiyear targets of the resettlement quota. Establishing the quota and maintaining them. This is especially important in a few new Member States engaging in resettlement. For some it might be necessary to conduct an evaluation of their resettlement programmes and its different stages to find out the reasons for the backlog. Questions such as the following should be taken into consideration: Is it a lack of resources? Could the cooperation and coordination between the different stakeholders, both national and international, be improved? What other steps could be taken?

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<sup>64</sup> Interview with Mr. Oskar Ekblad (OE) Migration Board, the Unit for Asylum Procedures



## B. Capacity in terms of methods and tools

### *Not being able to fulfil the quotas is linked to the selection methods and selection process.*

As clearly described in the EU comparative legal report “Refugee Resettlement in the EU between Shared Standards and Diversity in Legal and Policy Frames”<sup>65</sup> the decision to resettle a refugee from another country is taken by the government of the resettlement country. The legal and political nature of this decision is discussed further in the aforementioned report where it usefully reminds us that: the resettlement selection decision is in itself administrative in nature and is discretionary.

Most of the countries view resettlement generally as a tool of international protection for individual refugees. The selection criteria/goals are very broad and vary from country to country, but are in essence to support UNHCR in providing humanitarian protection for vulnerable refugees. This was also the case with the recent approval of JEURP harmonized specific EU resettlement priorities, specifying the nationalities of refugees and the countries from which resettlement should take place as a priority, and for whom EU funding is available. The new Member States engaging in resettlement-along with the more experienced - responded to those priorities and especially to the EU call to resettle refugee from the Shousha camp in Tunisia.

While incorporating UNHCR resettlement criteria and case submission as the basis of the selection process, some governments shy away from receiving refugees that they think might have less integration potential or may require more financial and public services support<sup>66</sup>. This “integration potential” concept has been the subject of much debate among stakeholders in resettlement and especially in the Member States in which this criteria it is still present in national legislation. Several countries find integration ‘potential’ to be important, though none has a real measure for it. In this view, it is worth highlighting the few cases of the application of the ‘integration potential’. In the Netherlands for example, the integration potential, viewed as the willingness and ability to integrate into Dutch society, has played a role in selecting refugees for resettlement since 2005.<sup>67</sup> In the Czech Republic, some integration aspects are also taken into consideration such as: the willingness of the refugee in question to be resettled to the Czech Republic and the willingness to integrate into the Czech Republic.<sup>68</sup> For Finland the refugee’s motivation to integrate is seen as an important factor too. However, the Danish Government has recently committed to remove the integration criteria<sup>69</sup> and Romania recently abolished the “integration potential” criteria. The ‘Integration potential’ can be problematic in determining who should be resettled, as there is no clear way of measuring integration potential or ensuring it is not discriminatory.

Despite the fact that the over-riding selection goals are based on UNCHR recommendations/criteria and EU priorities, any additional selection criteria adopted by Member States remain an equally important factor in implementing both ad hoc resettlement and resettlement programmes. A few examples from the country profiles can be taken to illustrate the above statement. The Belgium national report states that until now the number of selected refugees for resettlement was a political choice and was dependant on a number of factors, including reception conditions. The decisions regarding the target groups to be resettled were also based on Belgium Foreign Policy as well as to the

<sup>65</sup> Refugee Resettlement in the EU: Between Shared Standards and Diversity in Legal and Policy Frames, Delphine Perrin & Frank McNamara (EUI) <http://www.know-reset.eu/?c=00013>

<sup>66</sup> International Catholic Migration Commission (2008), ‘Welcome to Europe: A Guide to Resettlement’ [http://www.icmc.net/system/files/publication/welcome\\_to\\_europe\\_a\\_guide\\_to\\_resettlement\\_a\\_comp\\_64641.pdf](http://www.icmc.net/system/files/publication/welcome_to_europe_a_guide_to_resettlement_a_comp_64641.pdf)

<sup>67</sup> Know Reset, Netherlands Quantitative report.

<sup>68</sup> Know Reset, Czech Country Profile, 2013 <http://www.know-reset.eu/?c=00148>

<sup>69</sup> Know Reset, Danish Country Profile 2013, <http://www.know-reset.eu/?c=00149>

availability of EU funds”.<sup>70</sup> For the Czech Republic’s foreign policy, Burma is among the priority countries. Since the approval of its national resettlement programme the Czech Republic has resettled only Burmese refugees from Malaysia and Thailand. Likewise, the Governments of the Nordic countries meet in matters of overall policy for regular consultations within the framework of the Nordic Council for Refugee Affairs (NSHF). Sweden does not set clear priorities for resettlement selection, though in practice priority might be given to candidates with close family already residing in Sweden. Another example is Finland in which a major goal in selecting refugees is the development of communities within Finland, leading to a focus on particular ethnic groups, nationalities or refugee situations over several years. It has also to be noted that the Finnish resettlement program is part of Finland’s humanitarian foreign policy and Finland remain a traditional UN country.<sup>71</sup>

Based on the aforementioned information, in general, we can conclude that certain countries have established their own additional criteria that are taken into account; this includes aspects of their country specific asylum policy and foreign policy, the reception capacity and integration services that are available. Lastly, it is interesting to see that in some member states security issues are also applied as criteria in resettlement procedures. As an example the Finnish Security Intelligence Service as an operative police authority responsible for national security issues, is now part of, amongst other state actors, the preparation of a proposal for the Government on the territorial allocation of the refugee quota<sup>72</sup>. Additionally, security issues are also present in Sweden where bottlenecks occur for not reaching the quotas. As mentioned by Oskar Ekblad (OE), now resettlement from Syria is completely blocked; Kenya is also considered as a critical area since end-2011; recently protest movements in Thailand impeded transfer of quota refugees.

Different member states apply also a sub-system of quota places reserved for medical cases and urgent cases. For example Denmark has 75 places for dossier submissions, which can be either urgent or emergency priority cases.

### *Selection methods and its impact at national level on quotas*

The vast majority of the countries use a dossier-based (on file only with no face-to-face interview) decision process and/ or a personal interview carried out during a selection mission in the country of asylum. In addition to selection missions, the face-to-face interview can take first place locally with the immigration officers based in their respective embassies.

In summary, most of countries in Europe choose refugees by using both methods although preference is given to selection missions. The exceptions are France and Portugal, whose decision-making is based only upon dossier review. In the case of Portugal, the selection process on a dossier or mission basis is not specifically provided for in Portuguese legislation. Portugal has been carrying out resettlement decisions only on a dossier review basis.<sup>73</sup> In France the Asylum Service of the Ministry of International Affairs takes the decision on individual cases after consulting every year with UNHCR. From the interviews with stakeholders it was shown that France refuses half of the dossiers submitted.<sup>74</sup>

In the case of Finland, a limited number of cases are accepted through dossier submissions, while the remaining quota refugees are selected during interview missions, conducted in each location. As an

<sup>70</sup> Know Reset, Belgian Country Profile 2013, <http://www.know-reset.eu/?c=00145>

<sup>71</sup> Interview with Arja Kekkonen, Negotiating Officer, Finish Ministry of the Interior, Migration Department Unit, International Protection Unit.

<sup>72</sup> Ibid.

<sup>73</sup> Know Reset, Portuguese Country Profile 2013, [http://www.know-reset.eu/files/texts/00163\\_20130705130237\\_knowresetcountryprofileportugal.pdf](http://www.know-reset.eu/files/texts/00163_20130705130237_knowresetcountryprofileportugal.pdf)

<sup>74</sup> Matthieu Tardis, France Terre d’Asile, 31 May 2013.

exception to normal procedures, in emergency and urgent cases, refugees are admitted to Finland without a personal interview on the basis of a written statement by UNHCR. In Sweden, in contrast to other resettlement countries, a small majority of the quota is selected through dossier selection.

From the review of existing resettlement programmes we can make the following conclusions:

- Selection missions are considered important in the resettlement selection process as it had proven difficult to fulfil the quota solely through dossier selection. A large number of rejections are based on the lack of information provided by UNHCR in the dossiers. This was the case in the Netherlands where the selection missions were temporarily suspended from 1999 onwards and resumed in 2005. Now Governments have a more proactive approach to this, by making use of the selection missions, as they are considered to enhance the gathering of relevant information for a large group at once, as well as on their region of origin.
- *One disadvantage can be that these selection (interview) missions might only be possible in one or two locations and only a few times in a year.* For example, countries like NL, FI and SE usually undertake 4 to 5 selection missions each year.
- The dossier based selection can be quick, and (in theory) relatively inexpensive, as no travel is involved for selectors or for refugees. As explained above, relying solely on the UNHCR submitted dossiers can lead to rejection not only due to the lack of information, but also as the selection officers do not become acquainted with the situation in regions of origin. The challenge for dossier selection is that the information provided should be precise and up-to-date so that the municipality of resettlement is able to organize adequate reception arrangements.
- Video conferencing: Recently some resettlement countries have begun to explore the possibility of using video-conferencing to conduct selection interviews when access to refugees is complicated or impossible. By removing the need to travel to a specific refugee situation and organising the practical aspects of a selection mission, video conferencing may significantly reduce the human and financial resources required for selection interviews.<sup>75</sup> However, the “Welcome to Europe” report indicates that conducting interviews via video conferencing present new challenges such as: not being equipped with the right technical equipment, refugees unfamiliar with this type of technology.<sup>76</sup> In addition to this, video conferencing is considered not such an appropriate method for sensitive cases<sup>77</sup>.

In the UK, all applicants are interviewed by UK Home Office officials (in the UK Border Agency, UKBA) based on the UNHCR submissions. Where there is a pressing need for the resettlement of a particular group and where it may not be appropriate for the UKBA staff to travel to a host country to carry out the selection mission, the UKBA can conduct dossier selections. Dossiers can be prepared containing details of cases which UKBA can accept without conducting a resettlement interview. In future, some interviews may be conducted using remote video conferencing facilities.<sup>78</sup> The UK has begun to explore the possibility of using video-conferencing to conduct selection interviews when access to refugees is complicated or impossible. Moreover, selection interviews through video conferencing (in theory) could be less expensive.<sup>79</sup>

<sup>75</sup> International Catholic Migration Commission, ‘Welcome to Europe: A Guide to Resettlement’ 2013  
[http://www.icmc.net/system/files/publication/welcome\\_to\\_europe\\_a\\_guide\\_to\\_resettlement\\_a\\_comp\\_64641.pdf](http://www.icmc.net/system/files/publication/welcome_to_europe_a_guide_to_resettlement_a_comp_64641.pdf)

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Know Reset UK Country Profile 2013, [http://www.know-reset.eu/files/texts/00170\\_20130919160801\\_knowresetcountryprofileunitedkingdom.pdf](http://www.know-reset.eu/files/texts/00170_20130919160801_knowresetcountryprofileunitedkingdom.pdf)

<sup>79</sup> Know Reset, Uk country Report, <http://www.know-reset.eu/?c=00170>

While considering the methods used, it should be also noted that although a number of very important steps have been taken over recent years and the elements of the Joint Resettlement Programme are now in place, the current lack of joint activities and practical cooperation between Member States increases the financial costs of resettlement in each country. A costly initial infrastructure for resettlement was cited as a constraint for several Member states to engage in resettlement. The latter has impacted upon the decisions of Member States like Portugal or Czech Republic to introduce small resettlement quotas. Some of the activities like selection missions for example, could be carried out jointly by, or in close cooperation with other Member States. The example of the Netherlands is crucial to this process. The Netherlands has conducted a number of joint missions in the past, assisting in the momentum leading up to the JEURP. These have taken place with Czech Republic (2007) Belgium, Luxembourg, and Romania (2008), as well as Bulgaria and Slovakia (2009). This gave those Member States the opportunity to learn and observe how to conduct resettlement, and what is needed in order to carry out resettlement, including the use of quotas and the importance of reception conditions.<sup>80</sup>

As described above, selection missions are usually carried out by government officials, often from the Ministry of Interior or Home Affairs. Participation of civil society and municipalities is still very limited in the selection of refugees for resettlement.<sup>81</sup> It is **increasingly apparent that other actors should be involved**, in order to ensure that the information gathered about refugees can be of benefit to the preparations for reception, before arrival in the resettlement country.

The following Recommendations were drawn up on the basis of a comparative overview from the Know Reset Country Profile data.

- The effectiveness of quota fulfilment can be improved by strategically planning the whole process of resettlement (as all the actors involved have to know exactly what to do in specific situations that occur). More specifically, this could include:

At EU level:

- Twinning projects with experienced countries and new/potential resettlement countries
- The EU should coordinate member states resettlement programmes when it comes to the priorities and the selection process
- “Twinning arrangements” between EU Member States would continue to allow for sharing lessons learned from many years of experience. Practical cooperation in resettlement should continue to be promoted by the European authorities. For example new resettlement Member States would learn from traditional resettlement countries and could advise other European countries that are starting resettlement programmes. At the same time, NGOs and UNCHR should not address resettlement issues without taking into consideration national policies towards asylum seekers.
- The EU should do more to stimulate national governments to focus on the integration issues of resettlement rather than on its selection process and criteria.

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<sup>80</sup> Know Reset, Netherlands Country Profile, <http://www.know-reset.eu/?c=00161>

<sup>81</sup> See Chapter B “Capacity in terms of actors”.

### C. Capacity in terms of actors

Although national governments are responsible for the selection of refugees in carrying out pre-departure activities, regional and local authorities and NGOs play an important role in the post-arrival stage, primarily in offering reception and integration support once refugees have arrived.

Every resettlement programme involves a variety of stakeholders. The quality of refugee resettlement relies also, amongst other things, on the capacity for Member States to address the needs and concerns of the stakeholders in the process: UNHCR, IOM, NGOs, Local Authorities, Government Ministries, and finally Refugees themselves. This section will assess the level of cooperation between these actors, the services they provide and the extent of their involvement on the effectiveness of resettlement.

The Know-Reset findings have shown that collaboration between stakeholders varies at different stages (pre-arrival and post arrival) of the Resettlement process. In most of the Member States the government body responsible for the pre-arrival phase (selection of refugees and their transfer) is not responsible for the post arrival phase (including here reception and integration). *In the Pre-arrival phase* (i) refugee resettlement primarily involves UNHCR, IOM and the various ministries of the Member State, whilst in the post-arrival phase (ii) resettlement involves local actors such as Municipalities/Local Authorities, NGOs and in some occasions<sup>82</sup> Refugee Community Organisations (RCOs).

Before discussing the actors involved in the two phases of resettlement (pre-arrival and post-arrival), it is worth mentioning the partnership mechanism of the resettlement process called the Annual Tripartite Consultations on Resettlement (ATCR). This is held by UNHCR and brings together States, NGOs and UNHCR to discuss global refugee resettlement planning. It provides the opportunity to raise awareness among states<sup>83</sup> regarding resettlement, and gives a space for all three stakeholders to work together and interact. UNHCR has also encouraged the “twinning” of establishment and emerging resettlement states to develop and strengthen resettlement and integration programmes. Twinning in the context of resettlement can be described as any partnership activity between states, NGOs, services providing organizations, international organizations and/or UNHCR which aims to encourage a new(er) resettlement state to develop or strengthen its resettlement programme. Twinning partnerships have ranged widely in their focus and duration, and while most are funded by states, some have attracted external funding, including EU support, for example under the ERF.<sup>84</sup>

It is also worth briefly mentioning the emerging role of the European Asylum Support Office (EASO), which will be fully explored in the last section. Currently assessing its role in the resettlement process, it has been suggested that EASO could contribute by establishing criteria for quality resettlement. Its exact role is not clear among the stakeholders interviewed, however, suggestions include providing and maintaining a space and coordination for the tripartite character (NGOs, UNHCR, and governments)<sup>85</sup> described above. Some Eastern states would welcome the organisational and logistical support of EASO<sup>86</sup> but at this time EASO is seen as not having enough presence in the area of resettlement.<sup>87</sup>

<sup>82</sup> For example, in the Czech Republic these include the Association of Citizens Assisting Emigrants and the Burma Centre Prague.

<sup>83</sup> International Catholic Migration Commission, ‘Welcome to Europe: A Guide to Resettlement’ 2013 [http://www.icmc.net/system/files/publication/welcome\\_to\\_europe\\_a\\_guide\\_to\\_resettlement\\_a\\_comp\\_64641.pdf](http://www.icmc.net/system/files/publication/welcome_to_europe_a_guide_to_resettlement_a_comp_64641.pdf)

<sup>84</sup> European Parliament, Comparative Study on the best practices for the integration of resettled refugees in the EU Member States, 2012.

<sup>85</sup> Ibid.

<sup>86</sup> Know Reset 2013, Czech Republic Country Profile 2013.

### (i) Pre-arrival Phase

The main actors in the pre-arrival phase in all cases are UNHCR and the Member State ministry dealing with resettlement, which is mainly the Home Affairs department also known as the Ministry of the Interior (MoI). For example the Swedish Migration Board acts on behalf of the Swedish government and works in close cooperation with UNHCR to draw up guidelines for the resettlement programme. In this case, and most others, trained members of staff are needed. This is also the case in Portugal where the national reports show that better national capacity would be needed to conduct pre-arrival planning.<sup>88</sup> For Portugal and in most other cases, this requires a firmer and more structured commitment on the part of all relevant public authorities and Ministries – not just the Ministry of Interior but also the Ministry of Economy and Employment/Institute of Employment, and the Ministry of Education, as there has to be a structured and coherent policy at all levels of administration.

Working with the national governmental administration are international organisations, notably UNHCR and IOM who play important roles in the pre-arrival stages. UNHCR<sup>89</sup> collaborates with the governmental ministries during the selection process<sup>90</sup> whilst in most occasions IOM provides medical screening and arranges travel documentation. Rarely are NGOs or Local Authorities involved in these early stages.

An exception to this is in Denmark where the Danish Refugee Council, an international NGO, works closely with the government to select refugees, which are ultimately decided by the governing body within the ministry.

In most cases the findings have shown willingness for NGOs and Local Authorities to be more involved at this stage of the resettlement process. In addition to this, there should be a level of collaboration between all actors and pooling their expertise would allow for better identification of the integration needs of the groups to be resettled.

Collaboration was also a key concern for NGOs in the UK, which suggests that collaborating with Local Authorities is important particularly in the planning of support for refugee arrival. In addition to this, much like Denmark, their inclusion in the pre-arrival phase would be welcome, as they are currently only involved at the post arrival phase (see below). In Germany meetings at the local level are attempted but this is limited, and collaboration is often unequal. An example of collaboration can be found in Belgium, which runs stakeholder meetings three times a year allowing for evaluation and planning. Local Authorities and municipalities are however, still not involved to the fullest.

A rare example of Local Authorities or municipalities being involved in the pre-arrival phase is Finland where, in the recent years, they are involved in the selection missions. By including municipalities in the selection mission, Finland hopes to resolve some difficulties at the local level, such as integration into society.<sup>91</sup>

(Contd.)

[http://www.know-reset.eu/files/texts/00148\\_20130705130024\\_knowresetcountryprofileczechrepublic.pdf](http://www.know-reset.eu/files/texts/00148_20130705130024_knowresetcountryprofileczechrepublic.pdf),  
Hungary Country Profile [http://www.know-reset.eu/files/texts/00155\\_20130729172455\\_knowresetcountryprofilehungary.pdf](http://www.know-reset.eu/files/texts/00155_20130729172455_knowresetcountryprofilehungary.pdf),  
Finland Country Profile [http://www.know-reset.eu/files/texts/00151\\_20130705130136\\_knowresetcountryprofilefinland.pdf](http://www.know-reset.eu/files/texts/00151_20130705130136_knowresetcountryprofilefinland.pdf)

<sup>87</sup> Know Reset, Spain Country Profile 2013, [http://www.know-reset.eu/files/texts/00168\\_20130705130432\\_knowresetcountryprofilesain.pdf](http://www.know-reset.eu/files/texts/00168_20130705130432_knowresetcountryprofilesain.pdf)

<sup>88</sup> Portugal quantitative and qualitative reports, João Côrte Real Vasconcelos (ECRE).

<sup>89</sup> In the case of non-resettlement countries who have had some experience in resettlement (Austria, Luxemburg, Poland), only Austria and has had no relationship with UNHCR regarding resettlement. From the resettling countries, Hungary has not had a relationship with UNHCR.

<sup>90</sup> This is not the extent to which UNHCR plays a role. They will have negotiated with the member states previously, and worked with them in an advisory role to ensure resettlement can take place. These include meetings such as the ATCR.

<sup>91</sup> Finish country profile.

Similarly, Cultural Orientation (CO) in the pre-arrival phase is a crucial aspect of refugee integration; it assists in the expectation of refugees and has potential for local actors to meet refugees before they arrive in the territory. In this instance, Local Authorities or local NGOs would be well placed to provide this, as in many cases they deal with the integration of the resettled refugees in the post arrival phase. Despite this added benefit, CO is hardly present in the pre-arrival phase of resettlement. Where it does appear it is often conducted by IOM in the case of Finland, France,<sup>92</sup> Spain. In the case of Finland the arrangement with IOM was established in 2001 and ran until the termination of the contract in 2010. The orientation was not arranged in 2011 and the contract for 2012 is currently being negotiated.

As with the above, refugees themselves in this phase play no active role, and are passive recipients to the decisions of Member States. Member States decide who are settled and where they can resettle. Being aware of the new host country before arrival is crucial for the refugee. The Netherlands conducts integration interviews to ensure that refugees will align with Dutch society. This however should not replace the role of actors in the preparation of refugees for resettlement. Knowledge of the local surroundings would also be beneficial and require delivery from local actors not necessarily government or international organisations. On the whole, cultural orientation and integration screenings can be a tool for refugees also, to avoid misinformation or high expectations. This relies on resources at the local level, as well as at the national level. This is not always possible, as in Hungary where the stakeholders cannot see the possibility for NGOs to be involved at all in any stage due to political and economic reasons.

There is a need for a certain level of expertise to conduct effective preparation in the pre-arrival phase, which requires training and time. Czech NGOs for example, state that the governmental group charged with conducting resettlement is only composed of representatives from ministries and does not include other stakeholders who also have expertise in resettlement, affecting the quality of the decision-making. For the Czech Republic, as with all Member States that resettle, there is room for improvement in the pre-departure activities in particular the selection of people in need of resettlement and the quality of information for the host country provided to those people. Consequently, there is only a little knowledge about the pre-arrival activities among the stakeholders interviewed.

Many aspects of the resettlement processes should be addressed by Member States, starting with a proper and strategic planning of activities, deep coordination of all stakeholders involved and a stronger involvement of NGOs, local groups and Local Authorities. Moreover, the current development at the EU level offers some instruments including financial incentives, which would help to use resettlement in a more strategic way, which will be discussed in the section C. “Capacity in terms of funding”. This is particularly the case in the Czech Republic, but can be said for many if not all of the resettling countries.

## **(ii) Post Arrival Phase**

In the post-arrival phase, NGOs and Local Authorities emerge as main players, providing essential services, as well as ensuring refugee integration.<sup>93</sup> The roles and functions of Municipalities and NGOs vary from country to country. They usually have different and complementary roles in the reception and integration process. During this process it is essential that they are provided with relevant information on the refugee’s backgrounds and needs.

NGOs in Spain for example have a very active role once the refugee arrives in the territory: CO and integration sessions are carried out, and municipalities are involved once refugees have been

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<sup>92</sup> Pre/Post Arrival Table: Know Reset, [http://www.knowreset.eu/files/texts/00717\\_20131106153806\\_countrycomparison-preandpostdeparture.pdf](http://www.knowreset.eu/files/texts/00717_20131106153806_countrycomparison-preandpostdeparture.pdf)

<sup>93</sup> For more details please read each country profile section « Rights granted ».

welcomed into the reception centres. In most Member States, CO is often conducted in reception centres, where refugees are placed as soon as they enter the territory. CO in the post-arrival phase is considered equally important as the one in pre-arrival as it is the first step in the integration process. Most of the Member States provides CO in the post-arrival phase but they apply their own model.

Due to diversity in the numerous models applied for the CO in European Resettlement countries the body delivering CO also varies: from Government to municipalities, NGOs, and in a few cases IOM. On occasion previous resettled refugees have also been involved in cultural orientation for example in Berlin, the Iraqi cultural association 'El Rafedein' was officially incorporated into the integration process of newly arrived resettled Iraqis. Refugees already established in Belgium were invited for knowledge-sharing during cultural orientation, in addition to representatives from external organizations/institutions. Another example is the Burma Centre in the Czech Republic.

Similarly, refugee communities generally do not have much of a role in the Netherlands. Their involvement in resettlement is quite limited but a number of communities were mentioned as being involved in providing support to resettled refugees, in particular to the Bhutanese Community. Further, IOM involves the Somali community in family reunion cases (mainly in the framework of a CO project targeting this specific caseload) and the Burmese community is actively involved supporting refugees on arrival.<sup>94</sup>

Likewise, in Denmark, especially the resettled refugees from Burma have organized themselves all over Denmark through the local churches and have established new churches, which is very important for their role in society. One of the stakeholders interviewed sees a clear connection between which groups are selected for resettlement and their prospects of integrating into Danish society. The Chin community from Burma and the Congolese refugees have, due to their cultural background, which is similar to the Danish, been able to integrate well. Also the Burmese refugees who fought for democracy at home feel more at ease in a democracy such as the Danish.<sup>95</sup>

**Preparing the receiving community** for the arrival of refugees is another important part of resettlement process. Preparation of the local community is conducted by both municipalities and NGOs, as is the case for Finland. In other cases it is conducted by NGOs like in Portugal<sup>96</sup> or by municipalities in the case of Denmark. In the Netherlands, this is mainly done by means of information provision through local media in advance of refugees' arrival to a municipality. The Dutch Council for Refugees (together with the municipality) also informs the relevant stakeholders (like schools, family doctors, social services, etc).<sup>97</sup> The case of Germany is also important to be mentioned: in some places a working group was established especially for Iraqi refugees at Länder and at local level with all crucial stakeholders (local state authorities and NGOs) involved. Here, all relevant information was shared and it proved to be very efficient. **However, this was more the exception than the rule.** It also depended on the Länder and on how fast they would transfer information to the local level. Information on special needs, e.g. housing or medical needs, was not always communicated.<sup>98</sup>

Similarly the **training by local providers** is very important too but even in this case it varies from country to country. In the case of Finland, training falls within the competence of different relevant ministries. Training is also organized by NGOs and associations such as: the Finnish Refugee Council, the Family Federation of Finland, the Finnish Red Cross, and the Finnish Association for Mental

<sup>94</sup> Netherlands Quantitative Report.

<sup>95</sup> Interview with Hans Henrik Lund, Churches Integration Ministry (abbreviated KIT in Danish),

<sup>96</sup> As in the case for Portugal. Know Reset, Portugal Country Profile 2013, [http://www.know-reset.eu/files/texts/00163\\_20130705130237\\_knowresetcountryprofileportugal.pdf](http://www.know-reset.eu/files/texts/00163_20130705130237_knowresetcountryprofileportugal.pdf)

<sup>97</sup> The Netherlands Country Profile.

<sup>98</sup> Germany Country Profile.



Health. For the UK the current funding available for integration services is not sufficient to allow for the delivery of much training to local service providers. In addition, information received by NGOs about refugees before they arrive is not always sufficiently accurate and thorough to plan reception services that fully meet the needs.<sup>99</sup>

Likewise, responsibility for the resettled refugees once in the local setting is hard to identify as each Member State operates differently. Again, in the example of Finland, refugees are placed directly in the municipalities, rather than in a reception centre, leaving responsibility for the resettlement with the municipalities from the start. A similar case is found in Sweden where the municipality is fully responsible for refugee settlement and integration, and will prepare an individual introduction plan for each refugee in cooperation with the local employment office.

In the Netherlands, placement of refugees has emerged as being not entirely satisfactory. This is partly a result of the government policy (the Housing Allocation Act) which obliges every municipality in the Netherlands to make part of their housing stock available each year for the accommodation of permit holders and the Central Agency for the Reception of Asylum Seekers (COA) 's housing arrangements for resettled refugees are determined by the municipal supply of available living accommodation. Resettled refugees are, therefore, placed in small towns and villages which can lack facilities to support integration. For example, there is no adequate public transport, individuals are far away from their family members, education and employment opportunities might be limited and also the opportunities to meet refugees' mental health needs are limited. It was noted that there were some improvements with the new reception system. COA is now more flexible concerning the needs of refugees allowing them to be housed closer to their family members. Some progress has also been noted by University Assistance Fund (UAF) with regard to housing arrangements and the education needs of resettled refugees. Following developments in the new reception system, referrals to the UAF education and careers support services are now being made by COA in advance of refugees' arrival and the scope of UAF in housing arrangements has been widened.<sup>100</sup> A recent change has taken place in the Dutch resettlement policy, aimed at the direct placement of refugees in the municipalities. New changes in the policy in the short term are not expected.<sup>101</sup>

Likewise, the lack of planning and the lack of any specific reception and integration scheme are seen as a crucial issue in France. Agencies and NGOs in France who are working on reception and integration need better information about resettlement and the profiles and needs of resettlement refugees in order to organize the reception conditions accordingly, especially for medical cases. So far, NGOs have received this information at the very last minute and there have been quite dramatic situations in many cases as a result when refugees have needed serious and urgent treatment upon arrival.

Upon arrival, housing and access to French language have been identified as the main problems by the refugees themselves. Indeed, **the lack of planning by the authorities has an impact on the reception conditions.** France believed that its reception and asylum system was good enough for resettled refugees and the government did not even consider the possibility to design a specific reception system for them. Obviously, this was not the case and it created unfairness within the national reception system.<sup>102</sup>

Education and language learning programmes for resettled refugees is another important pillar of the integration processes. Language courses are run by municipalities or/and other contractors, NGOs and volunteers in most countries. For example in NL, UAF cooperates with municipalities with regard to negotiating joint arrangement for refugees' education pathways. However, many Member States fail

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<sup>99</sup> UK Country Profile

<sup>100</sup> Ariane Den Uyl (ECRE) National Report, February 2012

<sup>101</sup> Interview with Janneke van Etten, Senior Policy Officer at the Ministry of the Interior and Kingdom Relations, Migration Policy Department, Asylum, Reception and Return,

<sup>102</sup> Matthieu Tardis,( ECRE) national quantitative national report, April 2012

to provide adequate translator services and/ or language classes as they face many challenges. Amongst these challenges the lack of capacity of human resources and the failure of the service providers<sup>103</sup> remains quite similar factor in most European resettlement countries. There is a need for more funding and training to deliver language classes, as seen in the UK, where there is a clear gap in the national resettlement programme. As integration is seen as a two-way process in the European Union,<sup>104</sup> both the refugees and the Member States need to be prepared.

The lack of interest of the French authorities in resettlement has been remarkable. Interestingly, in France some civil society actors are also reluctant to participate in resettlement operations, which can be attributed to a particular ideological and political logic. Indeed, several NGOs working for the promotion of immigrants' rights do not participate in such operations in principle on the grounds that they see them as "downgrading" refugee law. Resettlement is viewed as a way to circumvent France's international responsibility and as such may constitute a tool for 'externalising' its immigration policy, by creating a double process of refugee selection.<sup>105</sup>

In general, as with the pre-arrival phase, different stakeholders involved in resettlement process **need specific training in resettlement as a necessary tool to better understand resettlement**. In some cases problems occurred when staff members of the municipalities and/or immigration authorities were uninformed or insufficiently informed about the arrival of resettled persons and/or the legal status of the refugees. Sometimes there was no clear division of tasks between involved services, authorities and institutions. In addition to this, training for public sector staff on the local level is needed especially when a municipality is starting resettlement. The local actors need extensive training to improve, adapt and increase structures that are necessary to meet the challenges of a multicultural society.<sup>106</sup>

Cooperation with different stakeholders is essential, as there are many facets associated with successful integration, providing housing, medical care, employment, and training. Each of these aspects can often be the responsibility of different actors, NGOs, Local Authorities or State level officials. This cooperation varies greatly throughout the Member States. For example, in Finland, Denmark and the Czech Republic, the cooperation between municipalities and NGOs is viewed as being successful, however in Belgium for example, NGOs and State level cooperation appears to work well, with the exception of the local municipalities. For all resettlement member states, ensuring better cooperation amongst the central government, local authorities, NGOs and refugees involved in resettlement will only improve the process of refugee integration.

In some Member States, there is an **absence of a government led coordination structures involving all relevant stakeholders** (Government, Municipalities, UNHCR, IOM, NGOs, refugees) offering on-going policy and operational guidance that impacts on the overall consistency and quality of the reception and integration system. In addition to this, **collaboration between state authorities and NGOs differs from place to place**.

Furthermore, in a few Member States carrying out resettlement, **civil society has no influence on the selection of the overall groups to be resettled**, and often lacks basic information about the government's and the Ministry's decisions and activities regarding resettlement. Whereas, especially in the Member States new to resettlement, there is **limited involvement of municipalities in core reception and integration services** such as accommodation, language training, and professional training or job placement/provision.

<sup>103</sup> Other factors, could capacity in time, lack of funding, place of residing etc.

<sup>104</sup> See European Union Common Basic Principles, Principle No.1 [http://ec.europa.eu/ewsi/en/EU\\_actions\\_integration.cfm](http://ec.europa.eu/ewsi/en/EU_actions_integration.cfm)

<sup>105</sup> Interview of Matthieu Tardis with Claire Rodier. On the position of GISTI, see especially: La réinstallation des réfugiés, instrument européen de l'externalisation des procédures d'asile, Note de travail, November 2005, available at: [http://www.gisti.org/IMG/pdf/nt\\_reinstallation-des-refugies\\_2005.pdf](http://www.gisti.org/IMG/pdf/nt_reinstallation-des-refugies_2005.pdf)

<sup>106</sup> Finland country profile , [http://www.know-reset.eu/files/texts/00151\\_20130705130136\\_knowresetcountryprofilefinland.pdf](http://www.know-reset.eu/files/texts/00151_20130705130136_knowresetcountryprofilefinland.pdf)

**Translators are not often available and authorities in general do not cover expenses for translation.** In addition to this, volunteers, especially native speakers, were found to be overburdened by the great need of complex and time-consuming accompanying and counselling assistance

The following Recommendations were drawn up on the basis of a comparative overview from the Know Reset Country Profile data.

- There needs to be more **collaboration between state authorities and other stakeholders throughout the resettlement process.** This could include sharing good practices and experiences from other EU countries; In addition to this, the cooperation between local authorities and NGOs providing integration assistance it is viewed as very important.
- **All relevant stakeholders** should be provided with the necessary information about the refugees, and the responsibilities of different stakeholders should become regulated. UNHCR Dossiers could also be shared in advance with NGOS and Municipalities to plan integration measures. This will allow stakeholders to respond adequately to the needs of Refugees.
- **NGOs and Local Authorities need to be involved the pre-arrival phase,** this could include the selection process or cultural orientation. NGOs and local authorities have a role to play in creating a welcoming society and States should value the expertise and experiences of NGOs to prepare the local communities to welcome refugees and to help in the process of integration.
- **Training for stakeholders is needed:** this could be organised with topics such as: the resettlement procedure, competences of stakeholders, cultural background, specifics of providing assistance to resettled people, as well as resettlement and national procedures.
- In the EU member States that have recently established resettlement programmes it has been suggested that there should be training prior to the start of the implementation of resettlement programmes; This must include twinning projects, sharing of good practices with more experienced countries;
- Trainings could be organised for service providers in municipalities (communes) and public welfare office to explain resettlement and national procedures.
- **Cultural Orientation** for resettled refugees is very important prior to departure, focusing on the host society and resettlement services provision. This will better manage people's expectations and avoid prejudicial frustrations upon arrival. Cooperation with local authorities or local NGOs can ensure this.
- **Translation services for refugees** and cultural training for all stakeholders dealing with refugees is important to ensure efficient integration.
- **Promotion of resettlement policy and practice within the society** in order to receive as strong as possible support from the host society.
- **Resettled refugees could have a major role** during the post-arrival phase in the facilitation of the resettlement process.

#### **D. Capacity in terms of funding**

In order to encourage resettlement financial incentives will continue to play an important role. Furthermore, funding remains crucial to any service delivery by including the costs incurred at all levels. **Identifying sustainable funding has also an impact in programme planning and using the available resources as well as possible.**

The financing of resettlement remains still very complex. From several interviews with government and non-government officials and research, it can be concluded that there is a need to know **the cost of refugee resettlement programme** although, in reality, serious data limitations preclude a full

estimation of costs of resettlement activities. As a result it is not possible to make a meaningful cross-country comparison but only to identify the current national and EU funds available in each member state. Due to the lack of possibilities to access the specific budget line in national public budgets, it was not possible to obtain the following data in each country:

- a) Cost related to pre – arrival activities,<sup>107</sup> including staff costs.
- b) Cost related to post –arrival activities,<sup>108</sup> including staff costs and the costs of integration and reception.<sup>109</sup>
- c) Fixed costs per refugee or fixed levels of compensation to local authorities.
- d) Other related costs impacting the whole resettlement process.<sup>110</sup>

The research indicates that although the refugee resettlement programmes should be essentially funded by Member States, many of them still rely mostly on the European Refugee Fund (ERF).<sup>111</sup> An exception to this is Denmark, which relies on its own national fund as it has opted out from ERF.

Amongst many other factors examined in this paper and which have contributed in creating the momentum for resettlement, the possibility to obtain funding for resettlement through the ERF has played an important role. In general, the ERF with a budget of 630 million for the period 2008-2013 has supported EU countries to cover diverse activities related to resettlement, such as the selection of refugees as well as reception and integration programmes for resettled refugees.<sup>112</sup>

ERF funding for resettlement is allocated through three channels:

- 1) National Programmes- the major parts ERF funds are allocated to national programmes (where Member States include refugee resettlement in national ERF programmes<sup>113</sup>). An ERF contribution normally cannot exceed 50% of the total costs of the specific action.<sup>114</sup>
- 2) The ERF provides Member States with a lump sum of 4000 Euros for each resettled refugee.
- 3) A small percentage of the ERF (amounting to 4% of available ERF resources) is centrally managed by the European Commission and is used to build knowledge, promote practical cooperation and political support for resettlement between Member States through the transnational projects mentioned earlier in pg.30.

Some states finance their own structures and activities, while other Member States fund other actors (mainly from civil society). While going through each country profile, the research indicates that in most countries the budget covering resettlement activities is part of the general budget for

<sup>107</sup> For more details refer to the country profiles section III 3 “Resettlement implementation”<http://www.know-reset.eu/?c=00003>

<sup>108</sup> Ibid.

<sup>109</sup> Regional and municipal budgets need also to be examined.

<sup>110</sup> Joanne van Selm, Tamara Woroby, Erin Patrick and Monica Matts, Study on The Feasibility of setting up resettlement schemes in EU Member States or at EU Level, against the background of the Common European Asylum system and the goal of a Common Asylum Procedure. 2003  
[http://ec.europa.eu/dgs/home-affairs/elibrary/docs/pdf/resettlement\\_study\\_full\\_2003\\_en\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/elibrary/docs/pdf/resettlement_study_full_2003_en_en.pdf),

<sup>111</sup> [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/114567\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114567_en.htm)

<sup>112</sup> For more information : The ERF for the period 2008-2013 established by Decision NO 573/2007/EC enables the financing and actions related to resettlement under the article 3(9) and 3(7). In addition article 13(3) provides for additional financial allocations of 4000 euros per refugee in case of the resettlement of certain vulnerable categories or persons from Regional Protection Programmes (RPPs).

<sup>113</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/pdf/allocations\\_eu\\_state\\_for\\_each\\_fund\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/pdf/allocations_eu_state_for_each_fund_en.pdf)

<sup>114</sup> Under specific conditions (for Cohesion Fund countries and actions falling within specific priorities), the EU co-financing can reach 75 %. In each beneficiary State, the national authority responsible for the management of the Funds provides information on programme implementation, on the National Programmes and on the beneficiaries of the Fund.

migration and asylum. It is mixed with/ indistinguishable from the whole budget of the relevant department or institution in charge of migration and asylum. For example, the Dutch resettlement programme is financed from the budget of the Ministry of the Interior, including the funds that are available to the Immigration and Naturalisation Service and the Central Body for the Reception of Asylum Seekers (COA).<sup>115</sup> The COA is granted a budget of €250.000 for all resettled refugees. In Sweden each year the Government allocates funds, in a separate budget line, to the resettlement of refugees.<sup>116</sup> Due to this clear budget line it was possible to gather some data regarding the cost per refugee, which may vary on the basis of refugee category.<sup>117</sup>

ERF funds are also “poured into this budget” and no data could be gathered if they are strictly used for resettled refugees. In addition to this, some programmes and projects have been directly financed through ERF and central governments. For example the Gateway Protection Programme is match funded by the UK government (the UK Border Agency) and the European Refugee Fund.<sup>118</sup> The project for support and reception of resettled refugees (run by Vluchtelingenwerk Vlaanderen) in Belgium was similar: It cost 308.405,32 euros of which 154.193,43 were from the ERF.<sup>119</sup> The contribution Finland currently receives from the European Refugee Fund is directed to the HAAPA project<sup>120</sup> that supports the education of social and health personnel in municipalities. Money has been distributed to 11 municipalities.<sup>121</sup>

It should be noted that the above-mentioned projects could not exist without the financial support of the ERF (national actions).

While Member States like Netherland, Sweden, Finland, Denmark have a significant national budget to finance resettlement programmes, data shows that EU Member States that have recently established resettlement programmes will continue to rely heavily upon EU funds. In the case of Bulgaria and Portugal the national funds allocated for restatement activities represents 25 % of the national funds and 75% are from ERF contributions.

Furthermore, no national budget is foreseen for resettlement in Belgium, which means that it will rely completely on what is available on EU funds.<sup>122</sup> The same goes for Hungary: The Office of Immigration and Nationality does not plan to complement the ERF support by matching funds additional to the basic support provided to all refugees in the country.<sup>123</sup> Resettlement to Romania is also funded only through ERF.

Though Resettlement in France is State-funded, the government is already applying for the dedicated funds available under the ERF.<sup>124</sup> However, there is no information about how this money is used bearing in mind that vulnerable refugees do not benefit from extra-services.<sup>125</sup>

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<sup>115</sup> Interview with Janneke van Etten, Senior Policy Officer at the Ministry of the Interior and Kingdom Relations, Migration Policy Department, Asylum, Reception and Return, NL, February 2012.

<sup>116</sup> Netherland country profile <http://www.know-reset.eu/?c=00161>

<sup>117</sup> Sweden country profile <http://www.know-reset.eu/?c=00169>

<sup>118</sup> Interview with UK Borders Agency, Dave Atkinson, Refugee Team (May 2012)

<sup>119</sup> Fedasil, Jaarverslag 2009 (Annual Report 2009), <http://www.fedasil.be/home/attachment/i/19890>, at pg.29

<sup>120</sup> [http://www.resettlement.eu/sites/icmc.ttp.eu/files/Creating%20Welcoming%20Communities\\_HAAPA%20Finland.pdf](http://www.resettlement.eu/sites/icmc.ttp.eu/files/Creating%20Welcoming%20Communities_HAAPA%20Finland.pdf)

<sup>121</sup> Interview Arja Kekkonen, Negotiating Officer, Finish Ministry of the Interior, Migration Department Unit, (January 2012)

<sup>122</sup> Interview with Claudia Bonamini Project Coordinator at Vluchtelingenwerk Vlaanderen, March 2012.

<sup>123</sup> Hungary country profile <http://www.know-reset.eu/?c=00155>

<sup>124</sup> Moreover, 90 % of the EU relocation programme was funded by ERF.

<sup>125</sup> Interview with Matthieu Tardis, France terre d’asile, April 2012, National report, Matthieu Tardis, France terre d’asile ( ECRE ) April 2012, France country profile, <http://www.know-reset.eu/?c=00152>

Likewise, Bulgaria is carrying out its first resettlement activities in 2013, which also include the development of administrative capacity. These should/are to be fully funded by the 2012 annual programme of the ERF and by the state budget. In the course of the research it was not possible to secure concrete figures for the amount funded from the state budget line. It has to be noted also that the financial stimulus of 6000 Euros for every resettled refugee, provided by ERF, is considered an important aspect of Bulgaria's ambition for small -scale resettlement in 2014.<sup>126</sup>

ERF funds are also important to Germany, more than half of them are distributed to the Länder.<sup>127</sup> At National level, the Federal State also finances resettlement activities mainly to cover the selection and transport costs of the refugees from the countries of first asylum, the selection missions and as well as integration courses and other costs mentioned in the country profile<sup>128</sup>. As mentioned above, **funds are also distributed at the local level**. Municipalities in each Länder cover costs related to integration support packages like housing, etc.<sup>129</sup> Even in the case of Germany it is impossible to give precise costs of resettlement activities as there is no separate budget line on resettlement.

In general, funding for activities are public funds and there are not enough available for specific projects. As pointed out also above, the central government allocates funds at the local level to municipalities to cover some of the costs related to the post -arrival phase activities. For example in Sweden the Migration Board distributes financial resources to the municipalities who are responsible for the organization and implementation of introduction programme. In the case of France, authorities are co-financing reception and integration projects run by NGOs such as France Terre D'Asile, Forum Réfugiés with ERF funds.<sup>130</sup> In other cases like in Finland and the Netherlands, most of the refugee cases are shouldered by the municipalities that receive the financial quota per refugee. In the Netherlands NGOs are dependent on municipalities for funding their work with resettled refugees. The central government has recently made additional funding available for municipalities but this is currently only a temporary measure covering the period of two years: €2,000 is allocated to a municipality for each resettled refugees with an additional €1,000 for a child. The only funding for NGOs from the central government is the national ERF programme.<sup>131</sup>

In UK, the UKBA meets the full costs of resettlement in the first year. Costs include an integration support package, which covers housing, healthcare, education, language classes and casework support services. NGOs work closely with the participating local authorities and provide many of these services to resettled refugees. NGOs are currently funded to provide resettled refugees with a twelve month package of integration support. Local Authorities participate on a voluntary basis and after the initial twelve months, the relevant local authority and government department are responsible for any further costs.<sup>132</sup>

However, the research also indicated that in most country profiles it was not possible to gather information about the funds distributed to the local authorities.

**Stakeholders interviewed are largely positive about the achievements of the ERF, in particular for its support for resettlement infrastructure. We can conclude that ERF III funding has not only improved the existing resettlement activities but it has also increased the number of refugees resettled.**

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<sup>126</sup> Bulgaria country profile

Antoaneta Dedikova, National report summary of interviews, pg. 5

<sup>127</sup> Written Interview with Daniel Stübel Innenministerium Baden-Württemberg, January 2012.

<sup>128</sup> <http://www.know-reset.eu/?c=00153>

<sup>129</sup> For more information please read German country profile.

<sup>130</sup> Interview with Matthieu Tardis, France terre d'asile, April 2012.

<sup>131</sup> Interview with Ariane den Uyl, Policy Officer, Dutch Refugee Council, (March 2012).

<sup>132</sup> UK Country Chapter, p. 3. Available at <http://www.unhcr.org/40ee6fc04.html> (Last visited 31 May 2012).

Nevertheless, **the lack of allocation of the necessary financial resources makes it difficult to accomplish the objectives of the integration process.** For example, for the UK the current funding available for integration services is not sufficient to allow for the delivery of much training to local service providers.

Likewise, **for most of the EU non- resettling countries the financial incentives remain crucial in their decision to pursue resettlement or not.** For example, the public institutions of Latvia are still in the process of further optimizing and decreasing their budget due to the economic crisis of 2008-2012. These budgetary cuts make the introduction of any resettlement programme extremely unlikely.<sup>133</sup>

The following Recommendations were drawn up on the basis of a comparative overview from the Know Reset Country Profile data.

- A more detailed and more controlled budgeting of the funds allocated by the ERF for each resettled person could contribute to the improvement of the reception and integration services and a better functioning of the system itself. This is especially true because of the fact that while ERF funding represents one of the biggest incentives to carry out resettlement, it is questionable whether the free handling of the sums in question is necessarily a positive element. As the UNHCR warned, this can result in discrimination among refugees.<sup>134</sup> Is it better to have the funds used for the improvement of refugee reception as a whole or for resettled refugees specifically (which could be discriminatory).
- Sources of funding for resettlement need to be diversified and there should be an adequate structural base for funding municipalities so that they can allocate sufficient funds to local NGOs or funding for NGOs needs to be allocated directly from the central government
- Less bureaucracy around ERF funding would be helpful – as would increased funding.

## E. Capacity in terms of political will

The difficult economic situation and the growth of negative attitudes towards foreigners have prompted stricter policies towards migrants, including the flow of refugees. Economic difficulties have also cut into the availability of State services for the integration of resettled refugees. In addition, the recent popular support for restrictive policies, demonstrated in several countries, can be seen to undermine political support for efforts to establish any responsibility sharing mechanism for resettlement.

This section will provide a picture of the political willingness of Member States to provide more and better quality resettlement by assessing the following aspects: the political debate; the effect of socio-economic factors; the influence of public opinion and media. Each of these aspects is a cross-cutting theme in the political reasoning for resettlement, which will be apparent throughout this section.

Over the course of the Know Reset project, the overall political discourse and decisions in the EU Member States shifted the view of immigration towards more restrictive policies.<sup>135</sup> This can be also seen through the tendency to decrease the number of protection statuses granted in comparison to the increased numbers of asylum applicants in a number of Member States.<sup>136</sup>

Despite this shift in restrictive immigration policies, Member States have continued to commit to resettlement. During 2007 in France, for example, a decrease in asylum applications may have

<sup>133</sup> Article “Finance Minister: Latvia has consolidated 2.3 billion lats in three years”, December 5, 2011, available at <http://bnn-news.com/finance-minister-latvia-consolidated-2-3-billion-lats-years-42711> (last time checked on February 16, 2012). Interview with the State Secretary of the Ministry of Interior, op.cit.

<sup>134</sup> Interview with Zsuzsanna Puskás, UNHCR office in Hungary, April 2012.

<sup>135</sup> See Country Profiles for France, Italy, UK and Netherlands.

<sup>136</sup> Data gathered from the know reset statistics for the year 2010/2011.

prompted the government to overcome the reluctance for other forms of protection, such as resettlement. Though only the government can provide the real reasons for its commitment to resettlement and they could be influenced by many different factors,<sup>137</sup> a year later, France, (along with other Member States) committed to its first resettlement experience. Another example is in Denmark. When the elections prompted a change in political governance in 2011, there was a shift in the immigration perspective as the new Government in office pledged to ease up previously strict regulations towards asylum seekers. Though Denmark has been reputed to be particularly strict in terms of its immigration law and policy, when we look at refugees, Denmark has contributed to finding durable solutions through resettlement for many years.<sup>138</sup>

Meanwhile, in Germany, after observing an extreme rise in the number of the asylum seekers from Serbia and Macedonia in September 2012, Germany's interior minister called for tighter rules for processing their applications. Nevertheless, as far as resettlement is concerned, Germany has practiced ad hoc resettlement for many years without ever committing to an official annual quota. The adoption of a permanent resettlement programme, in December 2011, was an unexpected breakthrough after years of lobbying for a permanent resettlement programme by different stakeholders. It seems that the most important factors in leading the German government to rethink its position were the mainly positive experiences of the ad hoc resettlement of Iraqi refugees in 2009/2010 at the local level, and the developments at the European level with the campaign for resettlement to Europe.<sup>139</sup>

According to the stakeholders interviewed, Swedish immigration policy is characterized by a broad political consensus. Curiously, the far-right party the Swedish Democrats is positive towards resettlement; basically they want to restrict the reception of refugees only to Convention refugees and quota refugees.<sup>140</sup> Generally, the party wants to reduce overall immigration to Sweden by 90 percent.<sup>141</sup>

On an inter-state level, the JEURP, goes much further than to offer a financial incentive, more importantly it determines a common EU resettlement priority, as well as fostering political will through cooperation - eventually allowing the EU to pool resources for resettlement, and encouraging joint missions based on successful previous ventures. It is worth **highlighting the importance of twinning projects and joint selection missions between Member States**, which have provided another method for knowledge exchange on resettlement, and have encouraged Member States who were not conducting resettlement to begin the process. For example Hungarian government officials participated in a Hungarian-Finnish twinning project and visited the evacuation Emergency center in Timisoara several times. In her interview, Ms. Árpád Szép,<sup>142</sup> stated that the twinning project paved the way for the Hungarian government to be prepared to actually carry out a resettlement programme. By learning from the Finnish experience she highlighted that: "A positive Finnish experience was not to try integration in the capital, but in a smaller place, where the local community can take a part in the integration. This seems to be working. The families or groups really integrate in society this way and not in their local diaspora, from which they might have wanted to detach anyways."

Throughout this report references are made to relevant national practice in which the complexity and diversity of resettlement at national level is clearly demonstrated. This leads us to conclude that **we cannot talk about a uniform EU policy tendency yet**. It underlines the fact that the **selection criteria** discussed earlier in this paper have been **driven not only by UNHCR and ERF/JEURP**

<sup>137</sup> Interview with Matthieu Tardis, (ECRE) France Terre D'asile, March 2012.

<sup>138</sup> Eva Singer, Danish Refugee Council (ECRE) National Report, April 2012.

<sup>139</sup> Margarete Misselwitz (ECRE) Qualitative national report, March 2012 - Interview with Kerstin Becker (German Red Cross), March 2012.

<sup>140</sup> Swedish country profile <http://www.know-reset.eu/?c=00169>

<sup>141</sup> Parliamentary Protocol (2011/12:44). Dated 8 December 2011, retrieved at: [http://beta.riksdagen.se/sv/Dokument-Lagar/Kammaren/Protokoll/Riksdagens-protokoll-2011124\\_GZ0944/](http://beta.riksdagen.se/sv/Dokument-Lagar/Kammaren/Protokoll/Riksdagens-protokoll-2011124_GZ0944/)

<sup>142</sup> Office of Immigration and Nationality in Hungary, April 2012.



**criteria but also by the criteria and political will at national level.** In many cases, this can lead to a positive decision such as accepting medical cases,<sup>143</sup> the elderly or unaccompanied children.

As illustrated in several national practices, some States expect refugees to have a certain capacity to integrate<sup>144</sup> in the new host country. Nevertheless, the traditional EU resettlement countries all have quotas for emergency cases and it can even be considered a flagship policy for the Nordic countries. It shows their willingness to take persons in particularly vulnerable positions.<sup>145</sup> In the case of Finland, vulnerability criteria are often taken into account already in the allocation decision. UNHCR is informed so that they are able to propose certain groups (for example, women-at-risk). The elderly are usually not taken alone but as part of a family. Individual children without a caregiver have been admitted if the need for international protection has been very strong, although as a main rule this does not happen.<sup>146</sup>

The same goes for Sweden. While there is no specified sub-quota, Sweden accepts limited numbers of unaccompanied children within the resettlement programme. Nevertheless, this category remains problematic. Their number has increased dramatically in recent years and they need very particular help. The Swedish state offers large sums of money for the resettlement of these children but this type of resettlement is often hard to organise as a lot of planning and local resources are needed. This category can also ‘compete’ with unaccompanied minor asylum seekers.<sup>147</sup>

Contrary to the above examples, in general, cases of people with serious mental health issues are not accepted in Ireland. This is due to difficulties accessing appropriate services in the Irish Mental Health sector. Issues arise as many of the cases referred through resettlement speak minority languages and it can be difficult to provide services through an interpreter that is not specifically trained to interpret in a mental health environment. In an interview, the resettlement officer in Ireland stated that *“Therefore, in the best interests of the applicant we do not accept persons with serious mental health issues”*.<sup>148</sup>

Additionally, few Member States have been known to make their choice on the basis of a particular religious background or a particular ethnicity. Where the latter is mostly justified by having previously resettled a group of the same ethnicity, the former (selecting particular religions) is seen as discriminatory. An example can be found in the German national practice. The German decision to give priority to members of the Christian minority for resettlement provoked discussion in the countries of first asylum as well as in Germany. Also, the ‘ability to integrate’ in Germany has been criticised by different stakeholders. As resettlement is intended for the most vulnerable refugees, the humanitarian purpose should have absolute priority.<sup>149</sup>

The graphs below illustrate the selection criteria based on two target groups: women at risk and religion.

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<sup>143</sup> Swedish Country Profile, <http://www.know-reset.eu/?c=00169>

<sup>144</sup> Please see also the subsection “Capacity in terms of methods and tools”, pg 25

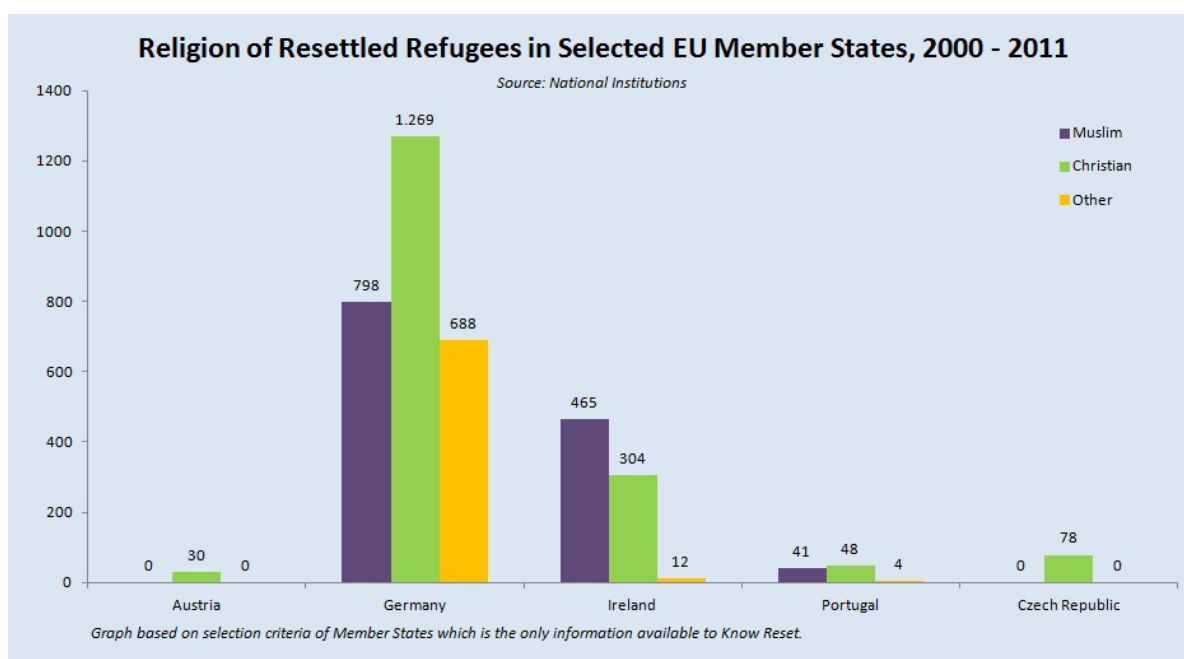
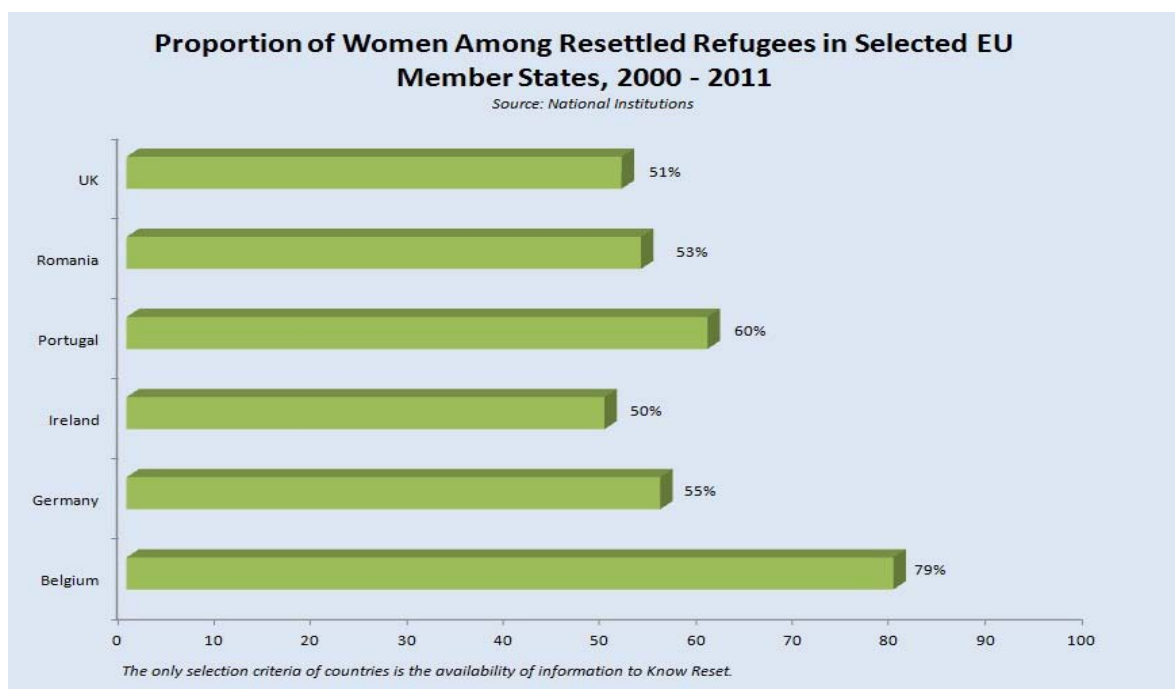
<sup>145</sup> Collated information from interviews in Finland, Sweden and Denmark.

<sup>146</sup> Interview with Monica Harju, Senior Adviser, Asylum Unit, Finish Immigration Service.

<sup>147</sup> Interview with Oskar Ekblad (OE), Head of Unit, Swedish Migration Board.

<sup>148</sup> Interview with Martina Glennon (“MG”) (Assistant Principal Officer) and Elaine Houlihan (“EH”) (Executive Officer), Resettlement Unit, Office for the Promotion of Migrant Integration.

<sup>149</sup> German country profile <http://www.know-reset.eu/?c=00153>



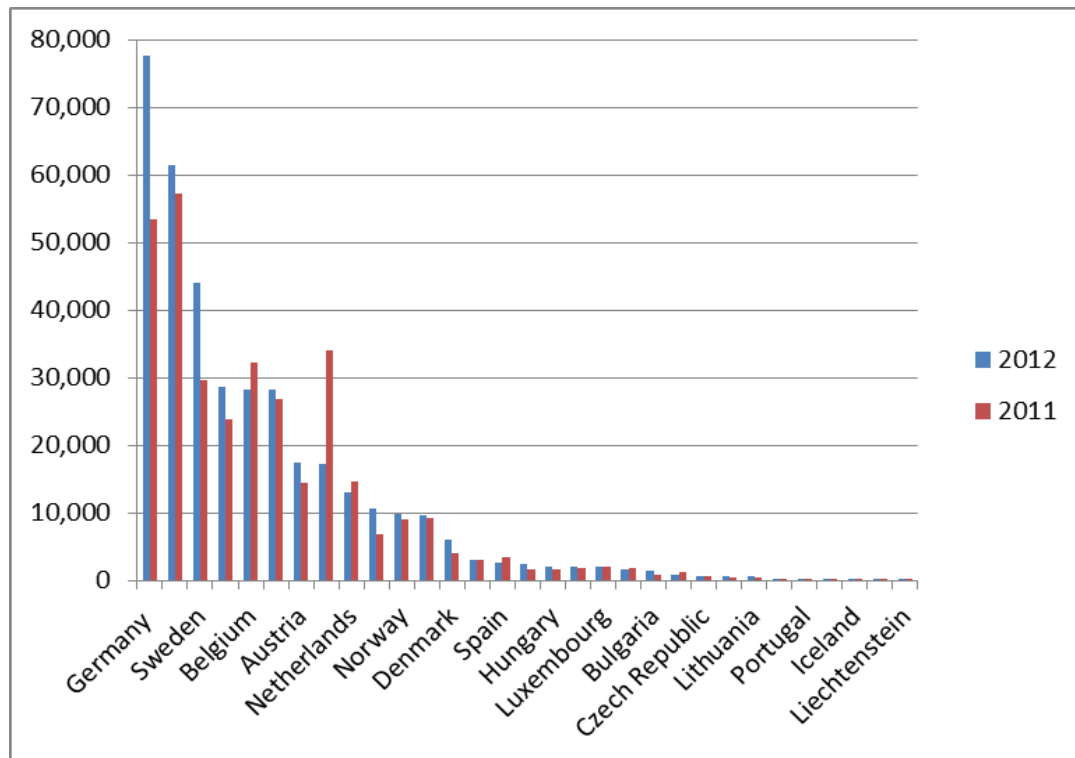
The **worsening economic situation across Europe** has had a detrimental effect on political willingness to engage in pressing asylum and refugee issues, such as resettlement. Several Member States, who have been affected by the crisis, clearly stated that they are relying on an improvement in the economic stability of their country to assess what progress can be made in resettlement, but that they at least have the political will to continue.

Members States like Cyprus, Greece and Malta and are not viewing resettlement as an immediate option, **not only due to the severe financial crisis** but especially **because of the large number of asylum applications they receive**.<sup>150</sup>

<sup>150</sup> Collated information from interviews and country profiles in those Member States

Likewise, flows of asylum seekers to Luxembourg have risen sharply since 2011 (mainly Roma from Serbia). Given this situation and the high percentage of foreign residents already present in the country, Luxembourg is not considering an increase of its capacities for resettlement.<sup>151</sup>

The graph below shows that the number of people seeking asylum in the European Union is on the rise – and that refugees continue to be confronted with widely diverging standards in the member states, be it in terms of reception conditions or regarding the asylum procedure.<sup>152</sup>



Source: Eurostat, Asylum and new asylum applicants by citizenship, age and sex Annual aggregated data (rounded), migr\_asyappctza, extracted on 30 July 2013

In fact, as we will see, public and media opinion are strongly linked to the economic factors that states refer to when adopting a more cautious approach to resettlement. In Belgium for example, there was a very visible problem for the reception of asylum seekers who could be found sleeping on the streets. Public opinion was that Belgium was too generous in granting asylum and this made it too difficult for a political decision to accept more refugees through resettlement.<sup>153</sup>

Despite this example, in many Member States resettlement itself and efforts to resettle refugees are relatively unknown to the general public. In Germany, the public has little knowledge of resettlement, but during the resettlement of Iraqis were surprisingly welcoming.<sup>154</sup> Similarly, in Denmark, although the public is generally not aware of the difference between resettled refugees and other refugees, this is not seen as a problem. When people are explained there is a generally positive attitude, because it is easier to understand why refugees living in camps in some countries need to come to Denmark for better protection. The national media do not write very much about resettlement but sometimes local

<sup>151</sup> Interview with Mrs Welter (OLAI), 14 May 2012 and Caritas-Luxembourg, Interview of 14 March 2012.

<sup>152</sup> European Refugee Policy Pathways to Fairer Burden-Sharing For additional information, please visit: [www.svr-migration.de/Research-Unit](http://www.svr-migration.de/Research-Unit)

<sup>153</sup> Salomé Phillmann (ECRE) Belgium Qualitative National Report, February 2012.

<sup>154</sup> Margarete Misselwitz (ECRE) Qualitative national report, March 2012.

media may report about the activities of the local volunteer groups.<sup>155</sup> Likewise, most people in the Netherlands do not know that their country has a resettlement programme. Those who do know about it consider it to be something positive. Resettlement is hardly present in the mainstream media and is usually covered only by local media when, for instance, a group of resettled refugees arrive to a municipality.<sup>156</sup>

In the case of Portugal, since it has a small number of asylum seekers and an even smaller number of refugees benefiting from international protection, this issue does not really attract the attention of public opinion and media.<sup>157</sup>

Additionally, when resettlement is acknowledged by the public as asylum in general (as in Hungary below), or a clear distinction is made between refugees (as in Finland below), with both scenarios being potentially harmful to increase political will. In Hungary, when asylum seekers cross the border they are reported by the media as criminals and not as potential refugees. To this effect, the Hungarian Government has considered asylum matters primarily in the context of the fight against irregular migration and the protection needs of refugees have been given lesser priority than security and law enforcement objectives.<sup>158</sup> Yet, when it comes to the public discussing a case of resettlement, the Hungarian state could be seen by the public as having acted on a humanitarian basis, generously offering help and participating in global burden sharing.

The Finnish public is less hostile to quota refugees than other beneficiaries of international protection since it is widely considered that those persons come from serious conflict situations and have been individually chosen by Finland. However, with more immigration into Finland over the last few years, this distinction is becoming less clear as there is confusion between refugees and immigrants.<sup>159</sup>

Resettled refugees are often bound to be more readily accepted by the general public than their spontaneously arriving peers, although the situations from which they flee may not be different. As such, resettled refugees can bring positive connotations to the term “refugee” which could also benefit asylum seekers.

If relations with the regional media are fostered accurately, local opinion can be favourable to resettlement, as in the case of the Czech Republic. When it comes to public opinion in Czech Republic, we need to separate the general opinion with the local one. The local community can be open towards resettlement and resettled families. No xenophobic behaviour seems to be noticed, although there is a difference in reactions towards refugees from well-educated communities and less-educated ones. People seem to be more sceptical towards those from less-educated communities. Nevertheless, relations seem to improve once people get to know each other. The regional media has been quite involved in promoting stories of resettled families. Furthermore cooperation with the regional and local media is considered excellent.<sup>160</sup>

It is difficult to define whether political reluctance to migration across Europe has encouraged negative media opinions towards asylum seekers or *vice versa*, or to what extent the economic crisis has provided an umbrella excuse to reduce efforts in this area. In both cases, resettlement is difficult to justify to the public to a certain extent. In the non-resettling states, such as the Baltic region for example,

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<sup>155</sup> Eva Singer, Danish Refugee Council (ECRE) National Report, April 2012.

<sup>156</sup> Ariane den Uyl, Policy Officer, DRC, April 2012.

<sup>157</sup> João Vasconcelos, (CPR) Qualitative national report, April 2012.

<sup>158</sup> Mária Barna (ECRE) National Report for Hungary. April, 2012.

<sup>159</sup> Ann-Charlotte Sirén-Borrego, (ECRE ) Qualitative National report for Finland , May 2012.

<sup>160</sup> Pavla Merhautova (ECRE) National Qualitative report, April 2012.

capacity in terms of financing<sup>161</sup> plays a role in this process, as does public opinion.<sup>162</sup> There is no political will to increase even knowledge on the topic, and a dearth of reliable information as to what resettlement is and what it entails remains, proving a legal and social challenge. These challenges are not confined to the Baltic region and feature to greater and lesser extents in other non-resettling states.

Thus, political will for resettlement is dependent on all of the above- mentioned cross-cutting factors. However, despite these cross cutting aspects, there is a commitment to resettlement. The final decision rests on the capacity of the Member State and its commitment to humanitarian protection.

For the new MS engaging in resettlement like Bulgaria, Romania, Belgium and Hungary for example, the national Governments<sup>163</sup> have demonstrated their political will by deciding to take part in the EU resettlement programme, confirming the importance of establishing a mechanism for responsibility sharing with other EU Member States and third countries unable to provide adequate protection for refugees and to integrate them. In the case of Romania, there is a more specific reason because the decision to resettle was influenced by the political will to strengthen Romania's status as a partner in the area of refugee protection. Since resettlement plays an important role in the EU's external policies on asylum, the involvement of Romania was also driven by the desire to assume more responsibility as an EU Member State.<sup>164</sup> For other countries like Germany or the Czech Republic- already mentioned earlier- the main reasons to commit resettlement were based on previous experiences successful experiences.<sup>165</sup>

During the course of the research several challenges were highlighted from different stakeholders interviewed. In many countries the general public is not informed about resettlement allowing for misunderstandings about the need for resettlement. There is a huge lack of knowledge about resettlement. Most people cannot distinguish between labour migrants, quota refugees and reunified family members, for example. These categories are all mixed up in discussions and people feel that migrants (independently of their type) are taking their jobs. However, when you start explaining the difference, people can show great compassion for refugees and a willingness to help. Additionally, the media can confuse resettlement with migration further increasing the confusion of the public. In several cases, the local media have not promoted resettlement leading to an absence of local support. Likewise, the economic crisis has meant that the issue of refugee resettlement is pushed further down the political agenda. In terms of the allocation of places, refugees can be selected on the basis of their religion, age or medical condition. Where this can be a sign of generosity of Member States, it can also be seen as discriminatory. In addition, migration is seen by some Member States through a lens of security. Non-resettlement states may know little about the process or the challenges.

In conclusion, the following Recommendations were drawn up on the basis of a comparative overview from the Know Reset Country Profile data:

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<sup>161</sup> Interview with the State Secretary of the Ministry of Interior<sup>161</sup>, Republic of Latvia, Mrs. Ilze Pētersone-Godmane, January 2012.

<sup>162</sup> Interview with the Ministry of Internal Affairs, February 2012.

<sup>163</sup> Collated information from interviews, country profiles.

<sup>164</sup> Information provided by the Romanian Office of immigration formal reply to the Know Reset questionnaire, op.cit.

<sup>165</sup> Collated information from interviews, country profiles for Germany and Czech Republic.

- All stakeholders need to devise a media strategy, to ensure that the public is aware of resettlement.
- This strategy must be carefully worded as not to confuse the public on other asylum issues, and should avoid creating a division between types of refugee (resettled or otherwise)
- The local media should be informed of the situation in order to promote resettlement at a local level
- Relations with journalists should be built and nurtured
- Refugees should engage with the press.
- Civil society and governments need to work together with the media to ensure that the political debate shifts towards protection and humanitarian responsibility rather than security and border control. This will increase the public's positive perception of resettled refugees and refugees in general
- The security aspects of migration and irregular migration should be removed from discussions on resettlement.

### III. The future of resettlement in Europe

How resettlement will evolve in the future still remains unclear both for resettling and non-resettling EU member states. **Issues still to be addressed include whether there will be an increase in the number of places for resettling MS and if more MS will engage in resettlement or not.** Depending on the different circumstances at national level, the research indicates that even the governments from the traditional resettlement countries may be cautious about increasing the number of places they offer and may continue to resettle along the lines of numbers to date. The reasons for that vary from country to country. The few examples examined below describe the challenges in increasing the capacity in numbers. The Netherlands will maintain their 4-yearly quotas of 2000 resettled refugees (500/year) for the foreseeable future.<sup>166</sup> In the case of Finland, due to the constant challenge in reaching the annual quota, it seems that the government will address this issue first.<sup>167</sup> As also highlighted in pg 17, the UK aspires to an increased quota of 1000 per year when this will be considered affordable.<sup>168</sup>

For other Member States recently engaged in resettlement programmes, reception capacity and the lack of financial resources might impede their governments from maintaining their commitments or further committing to increasing quotas for resettlement.

In some Member States, contrary to the governmental view, stakeholders believe that more can be done, be it higher numbers or within the process itself, and the aim of being more proactively involved.<sup>169</sup> Furthermore, public understanding and support, including in the media, will remain a factor leading to more political will for resettlement.<sup>170</sup>

For non-resettling countries, resettlement does not currently seem high on the political agenda and this might continue to be the case for the near future.<sup>171</sup> The impact of the JEURP and the possibilities it brings along may still be a push factor towards resettlement for some non-resettling Member States. However, countries like Malta or Cyprus not only have no plans for resettlement but are actively

<sup>166</sup> The Netherlands country profile <http://www.know-reset.eu/?c=00161>, pg. 12

<sup>167</sup> Finland country profile <http://www.know-reset.eu/?c=00161>, pg. 15

<sup>168</sup> UK country profile <http://www.know-reset.eu/?c=00170>

<sup>169</sup> For more information see other sections.

<sup>170</sup> For more information, please see the section on political will.

<sup>171</sup> Please note that the time frame for conducting the interviews was between the end of 2011 till mid-March 2012.

engaged in negotiations with the EU regarding the relocation of refugees from their territory.<sup>172</sup> Likewise Greece and Italy will continue to struggle to manage refugee arrivals and develop their reception and protection capacity while dealing with the economic crisis.

### (i) Quality vs. Quantity: how to increase quantity and enhance quality?

Drawing on the analyses of Member States policies and practices presented in each country profiles and on their capacities in different terms, this chapter seeks to highlight the national directions and steps taken at national level that could also be taken at EU level.

The policy developments and the legal frameworks examined in EU comparative reports shows an evolution of the framework for resettlement at both EU level and national level for MS engaged in resettlement.

The primary focus of EU policy has until now been to mobilize more Member States to engage in resettlement as well as to increase the number of resettled refugees per country and as a total in Europe. As demonstrated in sub-section D “Capacity in terms of funding”, the financial contribution made available by the EU through the ERF, had also an impact on increasing the numbers and to the sustainability of resettlement. At the same time the analysis shows that the quality of resettlement has been emphasised less at the EU level but not necessarily at the national level.

### *A successful programme?*

Taking into consideration the EP argument<sup>173</sup> that the success of resettlement programmes should be measured not only on the basis of the number of persons resettled but also on the implementation of measures to support their integration, the research tried to evaluate how successful resettlement has been in each MS engaged in it. However, **it has not been possible to come to any firm conclusion as to the success of past resettlement experiences.** The experience varied widely from one country to another and depended also **how success is defined, and there were no standard agreed indicators in place.**

In most of the Member States engaged in resettlement, different policies have been pursued in the last few decades with various level of success. Most of the stakeholders interviewed confirm that there is a need to evaluate past resettlement experiences and develop “follow-up measures” at every stage. **National resettlement evaluations can lead the different stakeholders to initiate new projects or policies.** A good example of this is the Netherlands. Findings from the 2008 WODC report (Dutch Ministry of Justice Research and Documentation Centre on the policy and social position of resettled refugees from a national and international perspective) demonstrated that resettled refugees were underrepresented in the higher levels of education and that their participation in the labour market was low. The report findings were one of the reasons for UAF to initiate the project on resettlement of refugee students.<sup>174</sup>

Hungary illustrates a different scenario. There have been criticisms of the integration system that can be even more crucial for resettled refugees.<sup>175</sup> Recent commitments and measures adopted by Hungary in the past few months in order to participate in resettlement programmes are a promising

<sup>172</sup> <http://www.know-reset.eu/?c=00147>, pg. 4

<sup>173</sup> *ibid*, European Parliament (2010 a).

<sup>174</sup> Jasminka Rogic and Ariane Den Uyl, Dutch Refugee Council, (ECRE) National Report “ Resettlement in Netherlands” April 2012.

<sup>175</sup> Maria Barna, (ECRE) MENEDÉK – HUNGARIAN ASSOCIATION FOR MIGRANTS

start to improve integration across the board. Hungary is now entering a critical period to see how resettlement will evolve and how its programme will become more established.<sup>176</sup>

When it comes to the Danish example, it is not only the national stakeholders<sup>177</sup> who consider the Danish refugee resettlement programme successful but also other countries who have referred to it as a good model, especially the three-year quota. Similarly, all Swedish stakeholders strongly agreed that resettlement is a success by stating that it has helped to protect thousands of people. Paradoxically, Romania has the only resettlement programme considered successful by all the actors involved, with the exception of the resettled refugees.<sup>178</sup> Resettled refugees were in general disappointed by the integration system in Romania.<sup>179</sup>

Likewise, the failure to successfully resettle refugees convinced the Government of Bulgaria after sharing expertise with first-time resettlement countries in Europe. Bulgaria took a decision to postpone a pilot resettlement programme after learning about the unsuccessful resettlement of Bhutanese and Burmese refugees in countries resettling for the first time in Central Europe. The failure was arguably due to culture and language barriers and led to an inability to effectively integrate the newly resettled refugees in these countries.<sup>180</sup> Therefore, officials from the State Agency for Refugees are seeking to accumulate knowledge and acquire the necessary expertise.<sup>181</sup>

Even though the capacity of integrating resettled persons is beyond the scope of this paper, several examples from different Member States show clearly that in order for resettlement *to be a truly durable solution, states should focus on strengthening their integration capacity and the receptiveness of receiving communities to improve outcomes*. As Ewout Adriaens from CGRS-FEDASIL<sup>182</sup> said in his interview “Resettlement can only be considered successful when the resettled refugee is integrated in the resettlement country.” Successful positive experience of past ad hoc resettlement programmes can lead to a decision to adopt a permanent programme as happened in Germany.

### *Capacity to resettle more?*

As mentioned above, in some Member States, contrary to the governmental view, other stakeholders believe that more can be done, be it higher numbers or within the process itself, and aim to be more proactively involved (pg. 51). The shared opinion is that the current resettlement quota in several countries like the Netherlands, Denmark, Finland and Germany, could be increased and that, on the whole, all EU countries should do more to contribute to 'burden-sharing'. NGOs engaged in resettlement across EU Member states have been active in lobbying governments to expand the number of resettlement places. However, the political will to do so is often lacking. When asked if a country had the capacity to resettle, several respondents from the national authorities answered that this was a budgetary issue and one of reception/integration capacity.

Views have also been expressed that, given the current political and economic climate in different EU Member States, it may even be preferable at present to keep the current quotas and (at least) ensure that the existing resettlement activities will continue.

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<sup>176</sup> Hungary country profile [http://www.know-reset.eu/files/texts/00155\\_20130729172455\\_knowresetcountryprofilehungary.pdf](http://www.know-reset.eu/files/texts/00155_20130729172455_knowresetcountryprofilehungary.pdf)

<sup>177</sup> Different sources, interviews with the stakeholders, danish national reports, country profiles.

<sup>178</sup> Romanian country profile; <http://www.know-reset.eu/?c=00165>

<sup>179</sup> Ibid.

<sup>180</sup> Interview with Mrs. Anna Andreeva, op.cit.

<sup>181</sup> Bulgaria Country profile <http://www.know-reset.eu/?c=00146>

<sup>182</sup> Written interview with Ewout Adriaens, CGRS-FEDASIL, 4 May 2012.



**What is vital to emphasise in any resettlement discussions and possible further developments is that resettlement must not impact negatively on other systems of refugee protection.**

**Furthermore, the EU definitely has a capacity to resettle more than it does.**

### *Role of the EU and EASO*

The research also examined the role the EU could play to help member states to resettle refugees. In addition, stakeholders were asked to share their views about the role that the EASO could play in encouraging more states to engage.

Besides providing essential funding, it was thought that the EU could also undertake policy work, exchange of information on different practices and take on the role of informing governments in any future annual programme. The Joint EU Resettlement Programme was also viewed favourably, as a chance for countries to work together, to focus on certain groups of refugees, and again, to share or exchange practices. MS are eager to share the responsibility of resettling refugees.

It was felt that the EU should have a role in improving the quality of reception and integration programmes. It was observed that **national governments are very focused on the selection process and not enough on the integration processes for resettled refugees. The EU could do more to stimulate national governments to focus on the integration aspects of resettlement.**

The creation of a platform for the exchange of good practices and practical cooperation, involving all relevant stakeholders that would be helpful. Certain misgivings were raised about the possibility of the EU having any other role than providing funding as there is too much economic and social disunity within the EU Member States. The adoption of a common EU resettlement programme was generally seen as an important incentive to motivate member states. Likewise, by establishing priorities at EU-level, the strategic use of resettlement is strengthened. Additionally, interviewees felt the EU could “buddy up” actors in resettlement across different EU states and facilitate skills sharing.

**At the same time both UNHCR and NGOs raised their concern that the EU should not establish its own resettlement system parallel to UNHCR’s one.**

Denmark is not part of ERF and since the Danish programme has run independently for many years, the Danish civil society generally thought that the EU should play a role in promoting resettlement in the member states, but that NGOs should not focus on the EU but on national plans.

With regards to the EASO, the interviewees felt that EASO could have a role in advocating for more resettlement – particularly advocating for EU states not currently involved in resettlement to consider it. And, also to co-ordinate and push for more resettlement from the ‘Regional Protection Programme’ priority groups – possibly using mechanisms linked to funding.

EASO was largely seen as not having enough presence in the area of resettlement at the moment. Potentially they could also have a role in the co-ordination and logistical aspects of resettlement and support implementation of resettlement programmes at the local level. EASO can finally play a very important coordinating role in the future in the fields of collecting best practices, organising workshops/seminars, doing of studies and reports, drawing up training and preparing a module of the European Asylum Curriculum concerning resettlement, as well as evaluating operations at EU level. It was also noted that EASO is underfunded, which affects its capacity for practical involvement in resettlement. It was stressed that its role and policy should not conflict with those of UNHCR and the positive achievements so far in resettlement.

***Future funds: The Asylum and Migration Fund (henceforth AMF) 2014-2020***

EU resettlement policy post-2013 is being negotiated and soon to approved within the framework of the Asylum and Migration Fund (AMF) 2014-2020.<sup>183</sup> In November 2011, the Commission issued a proposal for a regulation establishing the AMF for the period 2014-2020, which will replace the current funds in the area of migration and asylum (the ERF and the EIF and the European Return Fund).<sup>184</sup> It also aims to cover more comprehensively different aspects of the common Union asylum and immigration policy, including actions in or in relation to third countries.<sup>185</sup>

The AMF proposal, which is still under negotiation at the time of writing this report, foresees a system providing a fixed amount to Member states for each person they resettle (€6000, instead of €4000 currently). A higher amount of €10 000 will be allocated for each person resettled according to common Union resettlement priorities as well as for some categories of vulnerable refugees, such as women and children at risk, separated children and persons with medical needs or in need of emergency resettlement. These sums will be allocated to the Members States every two years on the basis of a pledging exercise and following the establishment of common EU resettlement priorities. To encourage the resettlement efforts of Member States, the fund also foresees financial support for a wide range of resettlement activities, such as the development of infrastructures and services - including transit and processing centres (See Annex 2 of the AMF) – and the conduct of selection missions (Article 7 AMF).<sup>186</sup>

Article 17 of the AMF describes the elements of a Union Resettlement Programme which is foreseen and whose aim will be to increase the current figures, to strengthen resettlement systems and to enhance resettlement where the EU has an added value. The fund will support the establishment of appropriate infrastructure and services, training of staff, joint missions and pre-departure measures and post-arrivals assistance. The Commission will establish Common EU resettlement priorities on the basis of set categories; the regions for 2014-2015 eligible for extra allocations have already been identified.

The Asylum and Migration fund needs to be attractive to Member States in order for them to increase their resettlement capacities and the number of people they resettle. In August 2012, ECRE published a policy paper, which provided comments and recommendations on the Commission Proposals on the future EU funding in the area of migration and asylum. With regard to resettlement, ECRE stated that the AMF will only reach this goal effectively if the administrative burden for Member States is minimal, and if specific incentives are put in place for Member States that are new to resettlement. A system similar to the recently amended European Refugee Fund, which foresees higher financial incentives for such Member States, could be adopted in the AMF.<sup>187</sup> Instead of taking the form of higher lump sums, these incentives could take the form of a higher EU contribution (90%) for resettlement activities carried out by Member States that are starting resettlement.

The AMF proposal also foresees funding for Union Actions (see Art. 21), i.e. transnational actions or actions of particular interest to the Union, and that these actions could deal with resettlement.

From informal information received it seems that the AMF negotiations are in their possibly last stages. The discussions will deal among other things with Resettlement (including probably a decrease

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<sup>183</sup> Com (2011) 751, Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Asylum and Migration Fund.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> ECRE Policy paper (August 2012) COMMENTS AND RECOMMENDATIONS on the Commission Proposals on the future EU funding in the area of migration and asylum.

<sup>187</sup> Decision No 281/2012/EU of the European Parliament and the Council amending the European Refugee Fund, 29 March 2012.

in funding for resettlement, family members and resettlement, and resettlement vs. humanitarian admission). It is quite likely that funding for resettlement and external dimension will be significantly decreased. Funding for resettlement would probably decrease by 50 %.

Additionally, it is noteworthy to mention that initially 3,9 million € were foreseen for the AMF. This amount will be reduced following the reductions in the EU's long term budget 2014-2020 (Multi-Annual Financial framework).

### *Public opinion and the role of media*

Another important cross cutting issue already examined in the sub-section "Capacity in terms of political will" is the role of public opinion and the media. As mentioned earlier there is a general lack of knowledge of resettlement programmes and what they entail amongst the general public in all EU resettlement Member States. This is in contrast to the predominantly negative public attitudes towards asylum and immigration in general. Evidence collected during our research suggested that while taking decisions to increase support for resettlement and/or expand the number of resettlement places or simply to engage in resettlement, national politicians take into consideration the public opinion. **Therefore, it is also important to have awareness-raising activities and positive media coverage of the issue.**

Despite the important role of the media, as highlighted above, the opinion differed in MS as to how much they should be engaged. Some were of the view that there should be more media attention to inform the public about resettlement and that raising awareness about this group of refugees has the potential to also increase public awareness of refugee issues in general. On the other hand, doubts were raised because more awareness might actually have a negative impact. Non-compulsory programmes, such as resettlement, might be viewed by the public as an economic burden and as a result be affected by the current budget cuts by governments. In order to promote resettlement, **any discussions and media attention on resettlement need to make sure that the right messages and information is given out to general public, making clear distinctions between resettlement (and what this exactly involves) and other mechanisms for the protection of refugees. Both the protection and durable solution aspects of resettlement need to be clearly explained.**

## **IV. Conclusions and recommendation**

The research has shown that that socio –economic factors remain an influential part of the decision process on behalf of Member states and that any national public discussion does not take place in vacuum but it is entangled with other migration issues. Going back to the 2005 ECRE paper<sup>188</sup> "Towards a European resettlement Programme", you can find a number of interesting recommendations with regard of the current resettlement capacity that still hold today such as, for example, the confusion between resettlement and asylum in general by the public and media. In view of the attention given to asylum numbers in Europe, including by the public, the number of refugees resettled to Europe under any expanded resettlement activities will likely be of significant concern to European states. For resettlement to fulfil its functions as a meaningful demonstration of solidarity with countries of first asylum and as a useful component of a comprehensive durable solutions strategy, resettlement numbers need to be significant, and proportional to Europe's prosperity relative to countries of first asylum. At the same time, however, for resettlement to be well managed, reasoned consideration needs to be given to the number of refugees that current structures can resettle in a given

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<sup>188</sup> ECRE paper, 2005 "Towards a European Resettlement Programme" <http://www.ecre.org/topics/areas-of-work/resettlement/103-the-way-forward-towards-a-european-resettlement-programme.html>

year, how these structures need to be developed to accommodate additional numbers, and the process whereby the level of resettlement commitment should be determined<sup>189</sup>.

The EU has become an important player here and the EU resettlement programme is an important incentive to motivate all member states to engage. Likewise, by establishing priorities at EU-level, the strategic use of resettlement is strengthened. Recommendations from the EU to resettle should be stronger in order to implicate Member States further and remind them their responsibility to provide protection to refugees. Similarly, EASO should become an important actor in contributing to the increase of the quality and quantity of resettlement.

As reflected also in the ECRE paper, 2005 “Towards a European Resettlement Programme” at this stage, it does not seem possible to answer the question how many refugees Europe should resettle. The research indicates that there is no implementable guideline in determining a ‘natural limit’ to the number of refugees that a country can resettle. Resettlement commitments have, historically, been limited only by the political will to commit the necessary resources. So, an increase in the number of resettled refugees might be difficult (but not impossible) to be achieved both practically and politically; but any increase in European resettlement activities should be progressive, with multi-year programmes, in order to ensure the establishment of the necessary structures.<sup>190</sup> Views have also been expressed that, given the current political and economic climate in different EU Member States, it may even be preferable at present to keep and fill the current quotas effectively and (at least) ensure that existing resettlement activities will continue.

From the review of existing resettlement programmes we can conclude that there is great diversity in approach towards resettlement. Unsurprisingly, there also seems to be a disparity in numbers between the established quotas and the number of refugees actually resettled in each Member State. The way the number of resettled refugees is calculated is crucial as it impacts what we actually know concerning the total number of refugees resettled. Despite different methods of calculation, the research clearly indicates that the numbers of resettlement places available has not increased in parallel with the expansion of the number of EU resettlement countries. New resettlement countries are initially able to offer only a very limited number of places, as they require time and resources to build their resettlement capacity. Furthermore it appears that the available specified numbers of resettlement places within a defined period are rarely fully filled in most of the countries. Lastly, it is important to remember that resettlement should only be used to complement existing European and/or national refugee protection systems and not undermine them.

A number of different measures have been identified as necessary or desirable in order to increase support for resettlement: better and faster cooperation between EU countries, transfer of knowledge and experiences in resettlement involving all the relevant stakeholders, awareness that resettled refugees have many different needs, involvement of municipalities in lobbying for increased support, setting up of private or joined sponsorship schemes, and more funding opportunities for NGOs and municipalities receiving resettled refugees.

An essential component of any resettlement programme remains, still, the political will to actively engage in this process. Additionally, funding at both European and national levels will continue to remain an important incentive. In order for resettlement to be a truly durable solution, states should focus on strengthening their integration capacity and the receptiveness of receiving communities to improve outcomes.

NGOs involvement at the decision-making stage should be considered in all Member States engaged in resettlement. Moreover an active role should be given to NGOS in facilitating pre-

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<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

departure activities. The decision-making process should also involve refugee communities to make Members states more aware and sensitive to the many issues faced by refugees in need.

In answer to the still open question “how many refugees Europe should resettle” we can only say: with strong public support and demonstrable political will, European resettlement activities may be sufficiently generous to better respond to the resettlement needs existing in regions of refugee origin. We can and should do more.

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## **PART IV**

### **COUNTRY OF FIRST ASYLUM REPORTS**

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***Refugee resettlement: the view from Kenya Findings from field research in Nairobi and Kakuma refugee camp***

**Hannah Elliott**

KNOW RESET Research Report 2012/01  
*Country of First Asylum Report*

**KNOW RESET**  
**Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement**  
**in the EU and its Member States**

**Research Report**  
**KNOW RESET RR 2012/01**

**Refugee resettlement:**  
**the view from Kenya**  
**Findings from field research in Nairobi**  
**and Kakuma refugee camp**

**Hannah Elliott**

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## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project: <http://www.know-reset.eu/>

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## **Abstract**

This report presents the findings of field research in Kenya under the KNOW RESET project, which maps and analyses legal and policy frameworks as well as practices related to resettlement to European countries. The research in Kenya was a component of this broader project, which included research in 27 EU member states and three countries of first asylum: Kenya, Pakistan and Tunisia. Research was carried out in Nairobi and Kakuma refugee camp between June and October 2012 and involved interviews with refugee and resettlement actors, including those participating in resettlement to European countries. The report broadly explores and presents Kenya's resettlement landscape, the positions, roles and practices of European resettlement countries within that landscape, and the perspectives and experiences of refugees around resettlement.



## Acronyms

CIS	Citizenship and Immigration Services (U.S.)
COA	Central Agency for the Reception of Asylum Seekers (Netherlands)
CPA	Comprehensive Peace Agreement (between the Government of Sudan and the SPLM)
CWS	Church World Service
DRA	Department of Refugee Affairs
EPLF	Eritrean People's Liberation Front
GIZ	Deutsche Gesellschaft für Zusammenarbeit
GOK	Government of Kenya
HIAS	Hebrew Immigrant Aid Society
ICMC	International Catholic Migration Commission
IND	Immigration and Naturalisation Directorate of the Home Office (U.K.)
INS	Immigration and Naturalisation Service (U.S.)
IOM	International Organisation for Migration
JERP	Joint European Resettlement Programme
JRS	Jesuit Relief Services
OAU	Organisation of African Unity Convention (1969)
OLF	Oromo Liberation Front
PRM	Bureau for Population, Refugees and Migration (U.S.)
RCK	Refugee Consortium of Kenya
RRF	Resettlement Registration Form
RSC	Resettlement Support Centre (U.S.)
RSD	Refugee Status Determination
TB	Tuberculosis
TFG	Transitional Federal Government (Somalia)
UNHCR	United Nations High Commissioner for Refugees
USRP	United States Refugee Programme

## Executive Summary

### Overview

This report is the outcome of field research in Nairobi and Kakuma refugee camp which sought to map Kenya's refugee resettlement landscape, with a particular focus on resettlement to European countries. The report presents Kenya's resettlement landscape, the role of European countries within this landscape and how European resettlement policies and practices are experienced on the ground from the perspectives of UNHCR and its implementing partners. In addition, the report explores refugees' experiences and narratives around resettlement. The report makes recommendations to UNHCR and European countries around how European resettlement policies could be improved to ease the burden on Kenya as country of first asylum, to increase the efficiency of European resettlement processes in Kenya and to render the resettlement process a smoother and less anxiety-producing experience for refugees. The research was co-funded by the European Union and managed by the European University Institute and the European Council on Refugees and Exiles.

### Background

Kenya's refugee population lies at 630,926 refugees and asylum seekers, in addition to an unknown but likely high number of *de facto* refugees. The majority of Kenya's refugees reside in its two desert refugee camps – Dadaab, in North Eastern Province, and Kakuma in North Rift Valley Province – as well as a large number in Kenya's significant cities, most notably Nairobi.

Kenya has signed and ratified the 1951 United Nations Convention relating to the status of refugees as well as the 1969 Organisation of African Unity Refugee Convention. However, up until 2006, Kenya lacked any national legislation on refugees. Since the influx of large numbers of refugees from neighbouring Somalia, Ethiopia and Sudan in the early nineties, Kenya's official stance towards refugees has been characterised by draconian policies aiming to contain the refugee 'problem' and refugees' movements, including an encampment policy which restricted refugees and asylum seekers to residing in camps. Following sustained advocacy by UNHCR and civil society organisations, in 2007 Kenya adopted the Refugee Act 2006, through which the 1951 UN Convention and the 1969 OAU Refugee Convention were implemented at the national level. The Act lays out Kenya's national policy towards its refugee and asylum seeking population, yet there continue to be grey areas, such as the situations in which refugees are able to reside outside of the camps. Refugees continue to move between the camps and the cities unofficially, risking police harassment and arrest.

### Possibilities For Durable Solutions

UNHCR identifies 'durable solutions' to the 'refugee problem' as local integration, voluntary repatriation and resettlement. In Kenya, opportunities for durable solutions are limited. The country's encampment policy and measures to restrict refugees' movements significantly curtails opportunities for local integration. Refugees face harassment and discrimination in urban centres, especially those who have a distinctive appearance, such as South Sudanese, Somalis and Ethiopians. Furthermore, local integration appears not to be an envisaged or desirable solution for the Government of Kenya, which regularly makes statements about the burden its Somali refugee population places on the country, and has made it clear that the only opportunity it sees for them is repatriation.

UNHCR facilitated the voluntary repatriation of southern Sudanese refugees from Kakuma following the signing of the 2005 CPA between the Sudans, but this has largely been unsuccessful, and has since been halted due to large numbers of new arrivals from South Sudan flowing into the camp fleeing ethnic violence. Rwandan refugees in Kenya will likely soon face proposals of

repatriation, since the country is deemed by the international community to now be safe, and the Rwandan government has requested their return from neighbouring countries and for UNHCR to invoke the cessation clauses for Rwandan refugees. But very few of Kenya's refugees are actually able to return to their country of origin, especially its predominantly Somali population.

Of the three durable solutions, resettlement is often the only real option for refugees in Kenya. Yet, it is an opportunity limited to just a fraction of Kenya's refugees – less than one per cent. Resettlement to a third country is generally highly desired by refugees, but for many remains a dream. This dream has been fostered and nurtured by resettlement programmes in the camps, through which resettlement becomes something tangible and consequently perceived as attainable. This environment encourages refugees to perform vulnerability in order to show their eligibility for resettlement to UNHCR, and to make projects out of resettlement seeking, which are actively worked on through certain practices or methods, such as regular visits to UNHCR and implementing partners, writing letters to submit to UNHCR offices and collecting papers documenting their suffering, mistreatment or the unfairness of UNHCR's policies and practices. For refugees in camps especially who may have little control over their lives, daily engagement with such a project may be one of few ways they feel able to gain some agency and autonomy, and maintain some hope in an otherwise bleak situation. Agencies are constantly navigating this environment, trying to uphold their credibility with UNHCR or resettlement countries by identifying which refugees are indeed the most vulnerable. The result is a palpable culture of disbelief or doubt, whereby refugees are often assumed to be strategically bending the truth in order to be resettled. This is strongly felt by refugees, who can feel that they are constantly suspected of lying or cheating, and that agencies are trying to catch them out so as to dismiss their claims.

### **Kenya's Resettlement Landscape**

There have historically been two channels through which refugees are resettled from Kenya: due to protection needs where no alternative solution can be identified, and through resettlement programmes targeting specific groups. Since 2006, UNHCR has been implementing a protracted refugee resettlement programme from Dadaab and Kakuma camps. Refugees are selected for resettlement interviews based on their year of arrival, starting with the earliest arrivals from 1992 up to 2006 arrivals. In Kakuma, the protracted refugee resettlement programme is currently coming to an end, and is to be replaced with a more traditional, protection-based resettlement programme. This programme will involve colleagues in the community services unit carrying out needs-based assessments of refugees, from which refugees potentially in need of resettlement can be identified for referral to the resettlement unit.

Resettlement from Kenya in recent years has largely taken place from Kenya's (and indeed the world's) largest refugee camp, Dadaab. In previous years, UNHCR's targets for resettlement were high due to the vast numbers of refugees living in Dadaab, many of whom were protracted cases. In 2011, 10,000 individuals were targeted for resettlement, with 8,000 of those refugees selected from Dadaab. However, heightened insecurity in Dadaab over the past two years has led a number of countries to withdraw their personnel from conducting resettlement interviews in the camp, curtailing UNHCR's target figures from Kenya in 2012 to 3,750, with only 750 refugees coming from Dadaab. This has created a real challenge for UNHCR, as resettlement countries scramble for refugees from a much smaller pool of candidates in order to meet their resettlement quotas. Furthermore, many of Dadaab's protracted refugees are most in need of resettlement, but remain largely inaccessible.

In 2011, 3,581 refugees departed Kenya to be resettled in a third country and 10,518 refugees' cases were submitted for resettlement. Of those who departed, the vast majority (2,083) were resettled to the U.S., 541 to Canada, 329 to Sweden, 208 to the U.K., 182 to Australia, 81 to the Netherlands, 58 to Norway, 10 to New Zealand, and 89 to 'other countries'. Generally, the U.S. and Canada are deemed the biggest players in resettlement, followed by Australia, the UK and Sweden.

## Resettlement To European Countries

While numbers of refugees resettled to European countries are low, these countries do offer UNHCR important alternatives to the U.S.; although the U.S. offers more than enough resettlement places, it is unable to process cases quickly, even in emergencies such as immediate protection needs or medical issues. European countries, on the other hand, are in special circumstances able to resettle cases in a matter of weeks, or sometimes even days. Sweden is renowned as the fastest country of resettlement, and has been able to turn cases around within as little as one to two days.

While European resettlement is highly valued due to countries' abilities to resettle cases in short spaces of time and their systems of allocating portions of their quotas to dossier cases and emergencies, agencies can experience difficulties around the time and resources spent meeting the resettlement needs of European countries relative to the number of refugees that these countries resettle. In addition, the U.S. experiences a lull in resettlement referrals at the beginning of the year because UNHCR channels all of its resources into responding to the missions of European countries. UNHCR operates in this way because, in spite of long security checks, the U.S. will accept large numbers and is relatively open compared to European countries, which are often deemed to be more choosy. The U.S. in particular then tends to get a surge of referrals towards the end of the year, once all European resettlement places have been filled. Since the U.S. is UNHCR's biggest resettlement 'customer', the prioritising of European countries which resettle much lower numbers can seem illogical. Nevertheless, especially for cases urgently requiring resettlement, or groups or nationalities which are less likely to be accepted by the U.S., such as Oromo and Eritreans, UNHCR feels that prioritising European countries' resettlement needs is important and necessary. This can result in a hectic first half of the year as referrals are being made, until European countries' missions are completed and quotas are filled, including for dossier and emergency cases. Thereafter, UNHCR is able to continue referring cases to the U.S., and faces the difficult situation of keeping any new emergency cases that arise on hold as they await the new fiscal year to begin referring to European countries again. This can be particularly stressful, since some of these cases may be in life-threatening situations, and yet there tend to be no immediate opportunities for resettlement in the second half of the year.

IOM reported similar challenges around working with European countries, each of which has its own systems and schedules which can prove cumbersome to deal with when the numbers actually resettled are relatively few. Except for the UK, which budgets for its resettlement programme three years in advance, European countries provide IOM with very tentative 'hints' about the numbers they might resettle when at the planning stage for the following year. IOM can also experience some challenges around a lack of standardised procedures from European countries. For example, some countries require thorough medical checks from IOM, while others do not. A standard medical examination for all refugees which would help prevent outbreaks, better screening to avoid complications in flight and prevent problems after arrival.

Kenya's resettlement infrastructure, which European countries are able to use to meet their own resettlement quotas, is almost entirely funded by the U.S. Although this is logical, since the U.S. is UNHCR's and IOM's biggest 'customer' in resettlement, there is a sense that European countries should be more committed to supporting this infrastructure financially, since it depends upon it for its resettlement requirements. As it stands, should the U.S. stop resettling from the region, this infrastructure could not be maintained with the relatively insignificant and ad hoc funding that European countries provide; there is a sense that European funding could not be depended upon for UNHCR's or IOM's operations.

While European countries are highly valued for their capacity to take dossier and emergency submissions and for the speed with which they can resettle refugees, they are also perceived as being somewhat 'choosy' about the refugees they accept for resettlement, and not necessarily according to individuals' and families' vulnerability. For example, the UK's decision this year to only take Oromo refugees from Kenya and the Netherlands' request for non-Somali refugees were experienced

problematically by UNHCR, since third countries seen to be favouring or discriminating against specific ethnic groups undermines UNHCR's efforts to make resettlement appear fair and entirely according to need and causes refugees to complain about what they perceive as bias and racism (see following section). Countries assessing the 'integration potential' of refugees were also criticised, since they tend to select refugees according to their education levels and language skills as opposed to on a needs-based assessment.

### **Refugee Narratives, Experiences And Perspectives Of Resettlement**

Many more refugees seek resettlement than are actually successful in achieving it, and refugees were found to have their own explanations for why some refugees are successful and others are not, or why some refugees go through the selection process and depart within a relatively short space of time while others can wait for a number of years. Many informants felt that selection and rejection of refugees occurs unfairly, which they explained in a number of ways. Some informants suggested that resettlement occurs arbitrarily and that selection is largely based on chance or luck, often according to the officer one is received by. Unfairness was also articulated as being due to UNHCR and resettlement countries favouring certain nationalities or tribes, particularly in Kakuma since refugees are acutely aware of who is and who is not being resettled due to the close proximity in which people live in the camp. Favouring certain ethnic groups was often explained as racism by informants from South Sudanese and Ethiopian Nuer communities; informants pointed out that 'brown' refugees such as Oromos and Somalis were being resettled but 'black' refugees were not, even if, like the Ethiopian Nuer, they shared the same nationality with those who were being resettled such as the Oromo. Some informants asserted that other refugees bought or stole other people's resettlement places, especially in the camps, or that people would fake situations of insecurity, or change their ethnicity strategically having observed that certain ethnic groups were more favoured than others. Refugees also cited mistrust of UNHCR, or suspicion of corruption within the organisation, as being behind resettlement decisions. Congolese Banyamulenge refugees in Nairobi expressed concern that during interviews with UNHCR and resettlement countries their stories were not being accurately translated; interpreters tend to be Rwandan Kinyarwanda or Kirundi speakers, languages which are closely related but not identical to the Banyamulenge mother tongue – Kinyamulenge.

These explanations, although in some cases seemingly irrational, do not arise out of nowhere. Especially for the Oromo, a history of persecution may lead refugees to mistrust and be paranoid about the activities of all authorities. Similarly, for South Sudanese and Ethiopian Nuer who have fled countries where their people have been discriminated against racially, it is understandable that refugees would make sense of their apparent unfair treatment through the frame of race. In addition, many refugees have come from contexts where corruption is part of everyday business, and so to suspect agencies of engaging in corrupt activities around resettlement is quite rational. Corruption accusations may also be a legacy of the resettlement scandal of 2000. In addition, a general perception of UNHCR as working against refugees may be fostered by its role around RSD; from arrival in Kenya, asylum seekers are interviewed and their claims questioned and judged by UNHCR. This goes some way towards explaining why UNHCR may receive such strong criticism from refugees as compared to implementing partners, which are able to focus their time and resources on supporting refugees as opposed to determining whether they qualify to receive their support or not. Accusations of corruption, inhumanity and mistreatment by UNHCR or inaccurate translation by foreign interpreters are used by refugees to make sense of the often frustratingly slow processes they undergo with the agency, not only for those who have resettlement cases but also for those who are seeking the most essential protection tool and prerequisite to resettlement, the mandate. Informants were also well aware of the culture of disbelief within UNHCR and implementing partners, and resented constantly having to perform their vulnerability to prove their eligibility for resettlement under the critical eyes of agency staff.

A significant number of refugees interviewed had had an initial resettlement interview with UNHCR but then had not received any feedback for many months, or even years. In such situations, refugees are able to enquire about the status of their cases at field post in Kakuma or resettlement unit deskings days in Nairobi, though some reported receiving contradictory information from caseworkers. For refugees whose cases have moved beyond UNHCR's assessment and selection process, queries about their cases may not be answerable at field post, as the cases are now with the countries of resettlement to which they have been referred.

A number of refugees who had gone through interviews with RSC and INS had waited for long periods of time without any information about their cases, as UNHCR was not always able to inform them of the status of their cases. For refugees referred by UNHCR to European countries, acceptance is more likely and if they are unsuccessful, refugees are informed within a short space of time. That said, one informant who had been recommended for resettlement to the Netherlands was not called for interview, which implies that his case was rejected by the Netherlands at the initial screening stage. He expressed anger and frustration to have seen others be interviewed without being informed why he was not called himself. A number of other informants felt, or had been informed by UNHCR, that their complex family situations were causing their cases to be put on hold. Many refugees have come from contexts whereby orphaned or abandoned children are absorbed into other family units, whether these are part of extended family configurations or wider clan networks. These tend not to be recognised as constituting genuine families by UNHCR and resettlement countries, which require proof of their authenticity through further investigations.

## **Conclusions And Recommendations**

### **To Unhcr**

- Clearer communication on the statuses of refugees' cases, especially in situations where they are pending for long periods, would help to reduce the confusion and anxiety of this liminal period for refugees. Although it is understandable that UNHCR and resettlement countries would not communicate the reasons for refugees being rejected resettlement for purposes of keeping selection criteria secret (so that refugees are not able to mould their cases to these criteria), not knowing why one was rejected, especially after the stress of going through multiple interviews, and the resulting lack of closure can be traumatic for refugees. Similarly, where refugees are screened out when UNHCR submits the RRFs to a country, they should be informed of the fact, and advised why they were not selected for interview.
- UNHCR and resettlement countries ought to have high standards when it comes to selecting interpreters and be mindful of Congolese refugees' (especially Banyamulenge) concerns around translation, ensuring that appropriate interpreters are employed.
- For refugees and asylum seekers in Nairobi, support with transport costs to multiple interviews for both refugee status determination (RSD) and resettlement would ease the financial pressures on refugees, especially during the period they await the mandate when they are not entitled to other forms of support from UNHCR or implementing partners. UNHCR might also establish field offices in enclaves where numerous refugees reside in which RSD and resettlement interviews could be conducted.

### **To European Resettlement Countries**

- European countries play an important role in Kenya's resettlement landscape, resettling refugees from nationalities which may not be considered by bigger resettlement actors and making provisions for emergency and dossier referrals. European countries should increase

their quotas for emergency and dossier referrals in order to meet the resettlement needs of refugees in acute insecurity and medical situations.

- European countries coordinating and spacing their missions throughout the year would enable UNHCR to spread its attention more evenly between resettlement countries and avoid having to channel all of its resources into meeting the resettlement requirements of European countries at the beginning of the year to the detriment of larger resettlement actors. If European countries coordinated their missions together, sending a mixed team from various countries two to three times a year, UNHCR's preparation for and hosting of these missions would be more time and cost-effective.
- European countries would also make IOM's work easier to plan and manage should they provide more notice on the numbers they intend to resettle each year.
- Standardised medical procedures, coordinated by IOM, would help to reduce the risk of outbreaks, complications in flight and health problems on arrival.
- UNHCR and implementing partners would benefit from more standardised policies of European countries; as it stands, countries each have their own policies and requirements, and meeting them can prove cumbersome, especially due to the small numbers of refugees that these countries resettle and the relatively little funding they provide for these numbers, which is often subject to change.
- UNHCR would save significant time and resources should there be an agreement between all resettlement actors about what information is required in the refugee referral form (RRF). Currently, UNHCR completes all forms with the maximum information required since it is not always clear which countries these forms will be submitted to. Information on the political situation in refugees' countries of origin, for example, could probably be removed from the form, since all countries have information and publications on these countries from their own foreign offices. UNHCR would also benefit from more notice from European countries about their resettlement numbers and the dates of their missions in order to target the RRFs more effectively, tailoring each to the needs of the country of submission.
- In order to assist UNHCR with its human resources issue, European countries could share a small clerical office in Nairobi with a Kenyan team through which to channel RRFs, coordinate selection missions and arrange interviews. This would be more cost-effective than employing UNHCR staff, who are often overqualified for this kind of work.
- European countries might benefit from sharing best practices on resettlement, including on how to conduct missions and on cultural orientation programming. Countries could learn from each other by sending personnel to shadow other countries' resettlement missions in Kenya and cultural orientation classes. This would also apply to countries which currently do not regularly resettle refugees, or at least do not currently carry out selection missions in Kenya.

## 1. Introduction

This report forms a component of the research for the Know Reset Project, which maps policy and legal frameworks and actual practices related to resettlement to 27 EU member states. The project's broad aim is to build the knowledge for better policy-making around resettlement at the EU-level as well as to individual EU member states. In addition to researchers exploring resettlement policies and practices from 27 EU member states, the project also involved research from three countries of first asylum – Kenya, Pakistan and Tunisia. This report presents the findings from field research in Kenya.

The research aimed to explore and understand how resettlement, and specifically European resettlement, is operating in Kenya, and how the resettlement policies and practices of UNHCR and resettlement countries are experienced on the ground. The research sought the perspectives from a range of actors involved in resettlement, including refugees themselves, refugee agencies and European consulates in order to gain a comprehensive view of Kenya's resettlement landscape and the position and role of European resettlement within it. Tying together the perspectives of these various actors, the research aimed to provide insights into how European resettlement policies could be improved to ease the burden on Kenya as country of first asylum, to increase the efficiency of European resettlement processes in Kenya and to render the resettlement process a smoother and less anxiety-producing experience for refugees.

## 2. Methodology

Interviews were carried out with refugees and resettlement actors in two settings in Kenya – Nairobi, where, according to UNHCR figures, 55,581 refugees (the significant majority of Kenya's urban refugees) reside, and Kakuma refugee camp, which currently hosts 102,767 refugees and asylum seekers.<sup>1</sup> While the Dadaab refugee camp complex hosts the vast majority of Kenya's refugees and asylum seekers – 474, 154 – deteriorating security conditions prevented research in the camp. In addition, since these security concerns have recently curtailed resettlement from the camp (explained further in the following section), Kakuma was felt to be a more conducive site for the study.

In both Nairobi and Kakuma, informants were accessed via research assistants from the predominant refugee communities (often community leaders or interpreters for refugee agencies<sup>2</sup>), who were also able to assist with translation. The sample of informants interviewed cannot, then, be said to be representative, since they were selected from assistants' own pools of contacts and associates. In addition, it is important to note that often the most vulnerable refugees perhaps most in need of resettlement may not be accessible through such channels. Not all informants in either Nairobi or Kakuma were yet officially recognised as refugees in Kenya; a number of informants were waiting to receive or renew their mandates, and in Nairobi some had avoided UNHCR entirely or chosen not to renew expired mandates out of frustration with the long waiting time involved and transportation costs of regular trips to UNHCR's offices. Informants' accounts could not be directly triangulated with or verified by UNHCR records, in part because not all were known or recognised by UNHCR, as well as due to confidentiality reasons.<sup>3</sup> The value of the data gained from these interviews can be found in informants' narratives and discourses around resettlement, regardless of whether or not what was said

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<sup>1</sup> UNHCR, 2012d, 'Kakuma camp population statistics, 5 October 2012'.

<sup>2</sup> With the exception of the research assistant for the Somali refugee community in Nairobi who is a Kenyan Somali.

<sup>3</sup> No names were recorded in order to assure informants of the confidentiality of their information, and pseudonyms have been used for all refugees. Some informants, however, did request that I record their name in the hope of some kind of assistance and follow-up after the interview. In such cases the informants were advised that this would not be possible, and any positive outcomes from the research would be more general in terms of resettlement policy than directed towards individual refugees or asylum seekers.



was 'true' or 'false' according to the practices of UNHCR and other agencies around resettlement. It should be noted that, as previous studies have found,<sup>4</sup> informants' responses to the researcher (a foreigner) may have been especially emotive in order to elicit a sympathetic response, with some hopes that this might bring them support, whether material, in the form of advocacy, or with resettlement itself; some informants, in spite of being advised of the nature and objectives of the research, requested that their names be recorded and submitted to European countries for resettlement. One should remain cautious of internalising a 'culture of disbelief',<sup>5</sup> however, and assuming that all refugees create stories in order to seek resettlement. Such a culture certainly exists amongst the case-hardened staff of UNHCR and other refugee agencies, in which refugees are often viewed as storytellers, manipulating the truth and reproducing narratives of victimhood in an attempt to be resettled. Refugees' narratives and discourses around resettlement should not necessarily be read as 'true' or 'false', but as offering insights into how the refugee situation is experienced, understood and made sense of by refugees.

42 refugees and asylum seekers were interviewed in Nairobi. Eleven of the refugees interviewed were officially registered in either Kakuma or Dadaab refugee camps but were living in Nairobi for livelihood or education purposes, or had medical conditions which could not be adequately addressed in the camps. Others were officially registered as urban refugees by UNHCR and had been granted mandates in Nairobi, having signed a form declaring their ability to sustain themselves in the city independently of UNHCR support. Interviews were mainly conducted with the four predominant refugee communities in Kenya<sup>6</sup>: Somalis (of various clans, including minority clans such as Somali Bantu, Benadiri and Asharaff), Ethiopian Oromo, Congolese (various ethnic groups from North and South Kivu, including Banyamulenge) and Southern Sudanese (4 Dinka and 6 Nuer informants). In addition, one Eritrean and one Burundian Tutsi refugee were interviewed in Nairobi. Gender equity was sought, with 18 women and 24 men interviewed.

Interviews in Nairobi were mostly carried out in the enclaves in which the various communities predominantly reside. For Somali and Ethiopian refugees, all interviews were conducted in Eastleigh, a vibrant and multi-cultural neighbourhood with a booming economy, fuelled in part by Somali transnational business ties and diaspora remittances.<sup>7</sup> The Congolese refugee community, as well as the Rwandan and Burundian communities, tend to be less concentrated in one neighbourhood or area than Somali and Ethiopian refugees, and reside in numerous estates across Nairobi, including Kayole, Kangemi, Kawangware and Satellite, dispersed amongst Kenyan nationals.<sup>8</sup> Interviews with Congolese refugees were conducted in the city centre and in Kayole in eastern Nairobi. The South Sudanese refugee community similarly tends to reside in a number of different areas across Nairobi, including Donholm, Komerock, Kawangware, Githurai and Ruiru, amongst others.<sup>9</sup> Interviews with members of the South Sudanese Nuer community were conducted in Donholm in eastern Nairobi and the Dinka community in Kawangware in western Nairobi. Interviews were carried out in public places such as cafés, restaurants and salons as well as in informants' homes. Some refugees and asylum seekers were understandably cautious about sharing their stories, especially in cases where their security was threatened (particularly for Oromo refugees who often live in fear of Ethiopian security agents said to be operating in the city). However, a majority of informants were compelled to tell their stories in great detail, especially around their frustrations with the resettlement situation in Kenya.

<sup>4</sup> E.g. Campbell et al, 2006, 'Congolese refugee livelihoods in Nairobi'.

<sup>5</sup> As described in Trueman, 2010, 'Ethiopia exports more than coffee'.

<sup>6</sup> According to UNHCR statistics, 2012a, 'Statistical summary as of August 2012'.

<sup>7</sup> See Lindley, 2010, *The Early Morning Phonecall*. While the Ethiopian refugee community is particularly concentrated in Eastleigh, there are also significant communities of Amhara refugees in particular in the more upmarket neighbourhoods of Jamhuri and Hurlingham.

<sup>8</sup> see Pavanello et al, 2010, 'Hidden and exposed', 13.

<sup>9</sup> There is also a significant [wealthier] southern Sudanese community in Kileleshwa, Hurlingham and Jamhuri estates.

In Kakuma, refugees and asylum seekers residing mostly in one section of the camp (Kakuma 1) were interviewed. Refugee community leaders and interpreters were accessed via UNHCR's Community Service unit, who were then able to introduce the researcher to members of their community to interview. In total, 41 refugees and asylum seekers were interviewed in Kakuma: Ethiopians (including Oromo, Amhara, Tigray and Ethiopian Nuer), South Sudanese (Dinka and Nuer), Somalis (of various clans), Congolese (of various ethnic groups from North and South Kivu) and Burundians (Hutu) were interviewed. Most refugees in the camp were very keen to tell their stories. As in Nairobi, it was necessary to emphasise my inability as an independent researcher to provide any assistance or refer cases to UNHCR. The Oromo community was particularly keen to be interviewed, meaning the number of interviews from Oromo refugees and asylum seekers are somewhat disproportionate to the other communities. Although gender equity was sought and emphasised, only thirteen women were interviewed in the camp. While the challenges accessing women are frustrating, they also emphasise that men tend to be more active in pursuing opportunities in the camp.<sup>10</sup>

Research also involved interviews with UNHCR in both Nairobi and Kakuma, with the Senior Resettlement Officer in Nairobi, the Senior Protection Officer and Resettlement Officer in Kakuma, and with UNHCR resettlement caseworkers in Dadaab<sup>11</sup> and Kakuma. Discussions were held with the head of IOM's sub-office in Kakuma and IOM's director of non-US movements was interviewed at IOM's headquarters in Nairobi. In addition, the manager of IOM's Canadian Orientation Abroad programme (also working with European countries' cultural orientation programmes for resettled refugees) was interviewed in Nairobi. A member of staff at the Government of Kenya's Department of Refugee Affairs (DRA) was interviewed in Nairobi, along with refugee agencies, including Refugee Point, Kituo Cha Sheria, Refugee Consortium of Kenya (RCK), and Heshima Kenya.<sup>12</sup>

In order to gain insights into the workings and perspectives around resettlement of those European countries resettling from Kenya, interviews were conducted with the consulates of European countries resettling refugees from Kenya – the UK, Netherlands and Denmark. I was fortunate to be able to observe the Netherlands' second cultural orientation session for refugees who had been selected for resettlement from Nairobi and to discuss the Netherlands' resettlement policies and practices with staff from the Central Agency for the Reception of Asylum Seekers (COA). In addition, I was able to meet with members of a delegation from the Swedish Migration Board towards the end of their selection mission in Kenya. I also met with caseworkers for the Resettlement Support Centre (RSC) of the U.S. in Nairobi for sub-Saharan Africa and interviewed the Refugee Coordinator for State Department's Bureau of Population, Refugees and Migration (PRM) in order to gain a sense of how European resettlement is viewed by UNHCR's biggest 'customer' in resettlement, and what European countries can learn from the U.S.'s resettlement policies and practices.

### 3. Contextual Analysis

#### Kenya's refugee population

Kenya currently hosts some 630,926 refugees and asylum seekers.<sup>13</sup> The majority of the country's refugees reside in its two desert refugee camps – Dadaab, in North Eastern Province, and Kakuma, in North Rift Valley Province – and a large number also live in Kenya's significant cities, most notably Nairobi.<sup>14</sup> In addition, an unknown but likely high number of *de facto* refugees live unregistered in the country, most commonly in urban centres.

<sup>10</sup> My sense was that interviews were treated as a means of campaigning for resettlement.

<sup>11</sup> By phone.

<sup>12</sup> More on the place of these agencies within Kenya's resettlement landscape in section 4.

<sup>13</sup> According to UNHCR's official statistics: UNHCR, 2012a, 'Statistical Summary as of August 2012: Refugees and Asylum Seekers in Kenya'.

<sup>14</sup> UNHCR, 2012a.

Kenya's refugee history began with the country's hosting of Ugandan refugees displaced by political coups during the 1970s. By the end of the 1980s, Kenya's official refugee numbers stood at 15,000; the majority of these were Ugandans who had managed to integrate into the country's socio-economic landscape relatively smoothly, acquiring Kenyan identity cards and gaining access to social services relative to Kenyans.<sup>15</sup> Kenya's refugee situation changed dramatically with the onset of the nineties, which saw a surge in the number of refugees entering Kenya in response to regional crises. This began with a wave of an estimated 300,000 Somali refugees between 1991 and 1993<sup>16</sup> following the collapse of the Siad Barre regime in 1992 into camps at the border at Liboi, north coast (Marafa), around Mombasa (Utanga) and the Dadaab camps in North Eastern Province. Shortly after, the collapse of the Unity government in Ethiopia displaced around 40,000 Ethiopians into Kenya.<sup>17</sup> The same year, 12,000 Sudanese minors entered Kenya fleeing the insecurity resulting from the fighting between the SPLM and the Government of Sudan, resulting in the creation of Kakuma refugee camp. Around this time, Congolese fleeing the Mobutu regime after ten years of fighting were also flowing into Kenya.<sup>18</sup> By 1992, Kenya's refugee numbers had reached around 420,000, as compared to an estimated 13,000 in 1991.<sup>19</sup> The majority of these refugees were Somali.

Refugee flows into Kenya continued into the nineties and beyond. New arrivals of Somalis into the country persisted through 2006, in spite of the government's closing of the border, as people fled the insecurity brought by the ousting of the Islamic Courts Union by US-sponsored Ethiopian and Transitional Federal Government (TFG) forces.<sup>20</sup> There have been further waves of Somali refugees entering Kenya in recent years, with thousands fleeing the devastating drought of 2011 which was compounded by restrictions placed on aid imposed by insurgent group Al Shabaab who controlled some of the worst-hit areas.<sup>21</sup> The crisis saw numbers in Dadaab refugee camp swell to 400,000, making it Kenya's 'second biggest city', hosting over four times more than its original capacity of 90,000 people.<sup>22</sup> UNHCR's mid-term objective for South Sudanese refugees since the 2005 Comprehensive Peace Agreement (CPA) has been repatriation, though this is generally deemed to have been a problematic process to say the least. Although UNHCR supported those who voluntarily repatriated with integration grants, they were not given repatriation packages, and many returnees found a lack of infrastructure and services and poor living conditions at 'home'. In addition, ethnic conflicts in South Sudan saw significant numbers of new arrivals from South Sudan, which has halted UNHCR's repatriation programme.<sup>23</sup>

Today, Somalis make up the significant majority of refugees in Kenya, with their numbers officially at 535,318, the majority residing in the Dadaab refugee camp complex.<sup>24</sup> Ethiopian refugees follow; UNHCR figures state that 35,873 Ethiopian refugees live in Kenya, mainly in Dadaab but with significant numbers in Nairobi, though these figures are not disaggregated according to the different Ethiopian ethnic groups in Kenya. South Sudanese refugees are the third biggest refugee population in Kenya at 32,146, the vast majority officially residing in Kakuma, though fieldwork for this study

<sup>15</sup> Crisp, 1999, 'A state of insecurity', 17.

<sup>16</sup> Kirui and Mwaruvie, 2012, 'The dilemma of hosting refugees'.

<sup>17</sup> Hyndman and Nylund. 1998, 'UNHCR and the status of *prima facie* refugees in Kenya', 4.

<sup>18</sup> Konzolo, 2010, 'An overview of refugee status determination and the rights of refugees in Kenya', 2.

<sup>19</sup> Odhiambo-Abuya, 2004, 'UNHCR and status determination *imtaxaan* in Kenya', 188.

<sup>20</sup> See Lindley, 2009, 'Leaving Mogadishu'.

<sup>21</sup> The Kenyan government has tended to portray Somali refugees who arrived in 2011 as economic refugees fleeing hunger, with the argument that their repatriation should thus be relatively unproblematic. See Long, 201, 'Kenya, Jubaland and Somalia's refugees'.

<sup>22</sup> Rice, 2011, 'Somali refugee settlement swells'.

<sup>23</sup> Interview with UNHCR Senior Protection Officer, Kakuma, 19 September 2012.

<sup>24</sup> Made up of Dagahelay, Hagadera and Ifo I and II camps.

suggests that unofficial numbers in Nairobi are significant. Congolese are the fourth biggest refugee community in the country, officially at 12,742, the majority officially registered in Nairobi, though some 5,500 reside in Kakuma. Other refugee communities in Kenya are Sudanese (6,052), Burundian (3,808), Eritrean (1,980), Rwandan (1,783) and Ugandan (1,041). The table in Annex 1 presents UNHCR's records for the populations of refugees of different countries of origin in Kenya from 2008 to 2012, with a breakdown of these figures according to where refugees officially reside.

## Research sites contexts

### *Kakuma refugee camp*

The number of refugees and asylum seekers residing in Kakuma currently stands at 102,767<sup>25</sup>, surpassing the camp's original capacity of 100,000. The camp was established in 1992 to host Sudanese refugees, including the 'Lost Boys' who were orphaned or displaced during the Sudanese Civil War. Populations from South Sudan continue to constitute a large proportion of the camp's refugees; during the first seven months of this year, Kakuma received 12,123 new arrivals, mostly from South Sudan's Jonglei and South Kordofan states.<sup>26</sup> Somalis represent the largest number of refugees in the camp, followed by South Sudanese, Ethiopians and Congolese. The camp is made up of three main sections – Kakuma 1, 2 and 3.

Kakuma is located in Turkana District in the arid lands of the north Rift Valley, the poorest and most marginalised district in Kenya. 94.3 per cent of the pastoralist host population, the Turkana, were classified as living in poverty in a 2011 survey,<sup>27</sup> and have tended to resent the refugee population for having a relatively better quality of life as a result of the rations, housing, education and healthcare services provided by UNHCR and implementing partners.<sup>28</sup> Attacks on refugees by armed Turkana have historically been a major source of insecurity in the camp and, though having significantly improved in recent years, remain an issue.<sup>29</sup> A number of refugees interviewed in Nairobi who had previously resided in Kakuma cited attacks by Turkana as their main reasons for moving to the city. Refugees also struggle with the harsh climatic conditions in the camp – high temperatures and dust storms render the area an extremely challenging place to live. Although this was also said to have improved slightly in recent years due to improved rainfall levels, increased rainfall also brings floods to the camp, and refugees' houses have been swept away during wet seasons. Such challenges account for why many refugees choose to reside in urban centres, even as they remain registered in the camps.

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<sup>25</sup> UNHCR, 2012d.

<sup>26</sup> UNHCR, 2012b, 'Kakuma camp in Kenya surpasses its 10,000 capacity'.

<sup>27</sup> Omari, 2011, 'Kajiado named richest town in new ranking'.

<sup>28</sup> See Aukot, 2003, 'It is better to be a refugee than a Turkana in Kakuma'.

<sup>29</sup> At the time of fieldwork in Kakuma, a refugee had been killed in the Kakuma 3 section of the camp the previous week.

## Nairobi

The official number of refugees residing in Nairobi according to UNHCR's most recent statistics is 55,581,<sup>30</sup> but the actual number is likely to be significantly higher, since many are registered in the camps but choose to live in Nairobi for livelihood and educational purposes, or because of medical needs.

Somalis, more than other refugee populations, face discrimination from the host population in Kenya, in part informed by a historical marginalisation and suspicion of the country's native Somali populations as well as more recent events which have caused Somalis or those with Somali-like appearances to be associated with Islamic radicalism. In October 2011, following a spate of kidnappings of foreigners (aid workers and tourists) on its territory, the Kenya Defence Force embarked on a military incursion into Somalia with the objective of removing militant group Al Shabaab. Kenya's involvement in the 'war on terror' prompted numerous grenade and gun attacks across Kenya, mostly in the north eastern town of Garissa and in Nairobi, targeting bus stations, busy streets and churches.<sup>31</sup> These attacks have seen an increase in xenophobic attitudes towards those with Somali appearance<sup>32</sup> and police harassment of Somalis in Eastleigh estate, where a large concentration of Somalis reside. Ethiopian refugees, often residing in Eastleigh, also face discrimination since they have a distinctive appearance and can be mistaken for Somalis. These groups thus face particular insecurity in Nairobi at the hands of the police, who regularly conduct night-time 'operations' in Eastleigh in order to cleanse the estate of illegal immigrants. This has culminated in recent months in a Kenya police project known as *Operation Fagia Wageni* (literally 'operation sweep up the guests'), in which all immigrant populations residing in Eastleigh are targeted. Police operations in Eastleigh are not necessarily entirely aimed at removing illegal immigrants; police have been accused of visiting the estate when they are short of cash, knowing that refugees and asylum seekers lacking documentation will readily pay a bribe so as to avoid being detained.<sup>33</sup> South Sudanese, residing in other areas of the city, also experience regular requests for identification from the police due to their distinctive appearance. Documentation is a grey area, and few police are clear on what documentation refugees should be carrying to allow their residence in Nairobi.<sup>34</sup> Refugees from all communities interviewed cited experiencing difficulties with the police, but most notably those groups who were more visible in Nairobi; refugees from the Great Lakes region who can be mistaken as Kenyans and sometimes speak Kiswahili were less likely to report these kinds of incidents.

Some groups cited insecurity in Kakuma as a reason for choosing to stay in the city. Three Congolese Banyamulenge informants talked of relatives who had died during the massacre of Banyamulenge refugees at Gatumba refugee camp in Burundi and said that they thus felt unable to stay in a camp and could not trust UNHCR to keep them safe.<sup>35</sup> Ethiopian refugees described particular insecurity and anxiety due to targeted attacks on them, including forced deportations, carried out by Ethiopian security agents or Kenyan police funded by the Ethiopian government. Most said that

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<sup>30</sup> UNHCR, 2012a.

<sup>31</sup> Note that it is unclear as to whether these attacks have been Al Shabaab-instigated or are rather the activities of opportunistic individuals and groups in Kenya.

<sup>32</sup> An extreme example is when Somalis were attacked in the street and their homes in Pangani estate in Nairobi which neighbours Eastleigh following a grenade attack on a church which killed one child and injured several others on 30 September 2012.

<sup>33</sup> Harper, 2010, 'Somalis in Kenya: they call us ATM machines'.

<sup>34</sup> Pavenello et al, 2010: 17.

<sup>35</sup> David, interviewed Nairobi, 21 August 2012; Marc, interviewed Nairobi, 21 August 2012; Juliet, interviewed Nairobi, 22 August 2012.

to live in Kakuma, closer to the border, was more dangerous, and that hence they were forced to stay in Eastleigh, though some mentioned seeking safe haven in other parts of the country.<sup>36</sup>

### Legal framework for refugees in Kenya

Kenya has signed and ratified the 1951 United Nations Convention relating to the status of refugees as well as the 1969 Organisation of African Unity Refugee Convention. However, up until 2006, Kenya lacked any national legislation on refugees. While Kenya's early refugee policy has been described as open and accommodating, since 1990 it has been characterised by draconian policies which aimed to contain the refugee 'problem' and refugees' movements. Due to overwhelming numbers of refugees in the country by 1992, the Government of Kenya (GOK) assigned all responsibility for registering, determining the status and ensuring the protection of asylum seekers during this period to UNHCR. The government applied containment policies to its refugee population, targeted particularly at the growing Somali refugee population; refugees were allowed to reside only in camps, and those needing to travel out of the camps for medical needs, to take up education opportunities or fleeing specific and targeted insecurity in the camps were required to carry a movement pass issued by UNHCR.<sup>37</sup>

Following sustained advocacy by UNHCR and civil society organisations, in 2007 Kenya adopted the Refugee Act 2006, through which the 1951 UN Convention and the 1969 OAU Refugee Convention were implemented at the national level.<sup>38</sup> The Act identifies two categories of refugees: statutory refugees and *prima facie* refugees, and lays out the provisions for those who should be excluded from gaining refugee status or should have their refugee status withdrawn from them, including people who have committed crimes against peace or humanity; have committed war crimes or serious non-political crimes outside or inside Kenya; have been guilty of acts contrary to the principles of the UN or AU; have dual nationality. In addition, where the circumstances which caused an individual to flee have changed, the individual should be excluded from receiving refugee status.<sup>39</sup> The Refugee Act also makes room for some deviation from Kenya's *de facto* encampment policy, allowing refugees to reside in urban areas provided that they are able to sustain themselves financially. However, Pavanello et al argue that Kenya continues to lack the national refugee and asylum policy required to assist with the implementation of the Refugee Act, and that there is as a result palpable confusion around the government's official position on where refugees should reside.<sup>40</sup> While some refugees are today able to legally reside outside of the camps, there are no official guidelines around which refugee groups may or may not.

The Refugee Act established a government department responsible for refugee issues, the Department for Refugee Affairs (DRA), which operates within the Ministry of State for Immigration and Registration of Persons. The Refugee Act declares that the DRA is responsible for the management, coordination and administration of refugee issues, including developing policies, seeking durable solutions, coordinating international assistance, issuing travel documents and managing the refugee camps. The vision for the DRA was to take over from UNHCR as lead agency on refugee issues in Kenya; all issues pertaining to refugees should first come to the DRA, after which the DRA could then assign responsibility for those issues to stakeholder agencies, including UNHCR.<sup>41</sup>

<sup>36</sup> Boru, interviewed Nairobi, 16 July 2012; Ibrahim, interviewed Nairobi, 17 July 2012.

<sup>37</sup> Crisp, 1999: 28.

<sup>38</sup> see GOK, 2006, *The Refugee Act 2006*, Section 16 (1) (a).

<sup>39</sup> GoK, 2006: 3.

<sup>40</sup> Pavanello et al, 2010.

<sup>41</sup> Interview with DRA official, Nairobi, 11 September 2012.

Since March 2011, asylum seekers have been required to register with the DRA.<sup>42</sup> On arrival in Kenya, asylum seekers have up to 30 days to report to DRA reception centres distributed across the country – in Kakuma and Dadaab refugee camps, Shauri Moyo neighbourhood in Nairobi, Nakuru in Rift Valley, Mombasa and Malindi in Coast Province, and Isiolo in Eastern Province. Here, asylum seekers' essential information, photographs and fingerprints are taken and they are given a letter confirming their registration as they await a government alien ID card.<sup>43</sup> The new system is felt to be positive, in that it demonstrates greater responsibility-sharing between the GOK and UNHCR. However, the system has also been found to be inefficient; refugees wait long periods before being issued with the ID card, and one informant reported a current backlog of 60,000 refugee ID cards.<sup>44</sup> Recently, the government announced that all refugees being resettled to third countries are required to hold alien ID cards,<sup>45</sup> which will likely be problematic in light of the backlog issue.

Having registered with the DRA and been issued with an asylum seeker certificate, asylum seekers from southern Somalia and South Sudan are automatically granted refugee status as *prima facie* refugees. Asylum seekers from other countries or regions undergo an eligibility interview for statutory refugee status (refugee status determination, or RSD). This process continues to be conducted by UNHCR, though both the RSD process and issuance of mandates will ultimately be the responsibility of the DRA and UNHCR and the GOK are currently engaged in capacity building in order to make this transition.<sup>46</sup> There has been some criticism of UNHCR's role in RSD, with the view that acting as 'judge and jury' compromises UNHCR's fairness and neutrality, and promotes mistrust in the agency by refugees themselves.<sup>47</sup> This mistrust and suspicion was certainly a common theme of interviews with asylum seekers in both Nairobi and Kakuma. The RSD process can vary; according to UNHCR, if one's case is straightforward, an asylum seeker may be required to go through only one interview, but if there are some areas of ambiguity in one's case, one may be recalled for several further interviews before a decision is made approving or rejecting an asylum seeker for refugee status. In addition, asylum seekers may be called for an RSD registration interview ahead of an actual RSD interview.<sup>48</sup> Those who are approved as refugees are issued with a mandate which is valid for two years, after which a refugee must seek its renewal from UNHCR. A number of refugees and asylum seekers interviewed in both Nairobi and Kakuma spoke of numerous eligibility interviews with UNHCR and long waits for a decision, sometimes for several years. This can put a lot pressure on refugees in Nairobi in particular, who have to source transport costs to UNHCR's offices, often only to be told to return the following week. Those who are rejected are given a 30 day period to appeal to an Appeals Board, after which they are required to leave the country, a policy that was created under the 2006 Refugee Act.<sup>49</sup> Those who are successful are granted the mandate and receive a Refugee Identification Pass. Those residing in the camps who are granted refugee status are issued with a ration card and are entitled to all of the support services available in the camp. Should they wish to leave the camps, their reason to do so must be approved by the DRA, after which they are issued with a

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<sup>42</sup> Interview with RCK, Nairobi, 20 July 2012.

<sup>43</sup> The alien card is a positive development in terms of refugees' documentation since it allows for better treatment by Kenyan police, especially for urban refugees.

<sup>44</sup> Pavanello et al, 2010: 15; interview with RCK, 20 July 2012.

<sup>45</sup> Interview with UNHCR Senior Protection Officer, Kakuma, 19 October 2012.

<sup>46</sup> 'Refugee Status Determination', DRA website, [www.refugees.co.ke](http://www.refugees.co.ke)

<sup>47</sup> Konzolo, 2010: 11. Odhiambo-Abuya, 2004, describes how amongst Somalis the RSD process is known as *imtaxaan* which translates as 'examination'.

<sup>48</sup> Communication with Resettlement Officer, Kakuma, 16 October 2012. According to UNHCR, delays occur when a refugee's case is not straightforward – i.e. when there are some areas of ambiguity, e.g. non-biological children. The refugee may be called for several interviews, which span a long period of time. What is not clear is the extent to which these long waits are because of the complexity of the case alone, or also due to UNHCR's staffing issues which can cause inefficiency in the system.

<sup>49</sup> Konzolo, 2010: 13

movement pass.<sup>50</sup> Refugees in Nairobi who are granted the mandate are able to access services offered by refugee agencies, such as medical and food assistance (HIAS, Refuge Point, GIZ) and legal aid and advocacy (Kituo Cha Sheria, RCK), though it is the policy of UNHCR to advise refugees that they will have more reliable access to services in the camps. On receiving the ration card, refugees may unofficially go to Nairobi, leaving their card number with family or friends so that they can be contacted in the event of being called for an interview, including for resettlement, when they return to the camps. Refugees also return to the camps from Nairobi for headcounts in order to maintain their official residency there as well as to keep their ration card or their name on a family member's card.<sup>51</sup>

### **Possibilities for durable solutions for Kenya's refugees**

UNHCR identifies 'durable solutions' to the 'refugee problem' as local integration, voluntary repatriation and resettlement. In Kenya, opportunities for durable solutions are limited. The country's encampment policy and measures to restrict refugees' movements significantly curtails opportunities for local integration socially, politically and economically. As mentioned above, refugees face police harassment and discrimination in urban centres, especially those who have a distinctive appearance, such as South Sudanese, Somalis and Ethiopians. Furthermore, local integration appears not to be an envisaged or desirable solution for the Government of Kenya, which regularly makes statements about the burden its Somali refugee population places on the country, and has made it clear that the only opportunity it sees for them is repatriation.<sup>52</sup> As described above, UNHCR facilitated the voluntary repatriation of southern Sudanese refugees from Kakuma following the signing of the 2005 CPA between the Sudans, but this has largely been unsuccessful, and has since been halted due to large numbers of new arrivals from South Sudan flowing into the camp fleeing ethnic violence. Rwandan refugees in Kenya will likely soon face proposals of repatriation, since the country is deemed by the international community to now be safe, and the Rwandan government has requested their return from neighbouring countries and for UNHCR to invoke the cessation clauses for Rwandan refugees. Very few of Kenya's refugees are actually able to return to their country of origin, especially its predominantly Somali population.

### **The role of resettlement**

Of the three durable solutions, resettlement is often the only real option for refugees in Kenya. Yet, it is an opportunity limited to just a fraction of Kenya's refugees – less than one per cent.<sup>53</sup> Amongst refugees and asylum seekers, the term 'durable solutions' is often synonymous with resettlement, or used as a euphemism when requesting resettlement.<sup>54</sup> Resettlement to a third country is generally highly desired by refugees, but for many remains a dream. Jansen describes how this dream has been fostered through resettlement programmes in Kakuma, during which resettlement has become highly visible through the posting of refugees' ration card numbers on notice boards calling them for resettlement interviews and the flights departing the camp carrying individuals and families who have been selected for resettlement. The dream is made even more tangible through modern technologies

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<sup>50</sup> Pavanello et al, 2010: 15.

<sup>51</sup> Campbell, 2006, 'Urban refugees in Nairobi', 400.

<sup>52</sup> Long, 2011.

<sup>53</sup> According to UNHCR figures for 2011, 0.6 per cent of the country's refugee population was resettled in 2011. UNHCR, 2012a.

<sup>54</sup> While refugees and asylum seekers may not directly request resettlement, knowing that this is not normally favourable with refugee agencies, they might say that they are looking for 'durable solutions'. Discussions with staff at Kituo Cha Sheria, 25 July 2012; with staff at the US Resettlement Support Centre (RSC), 7 July 2012. Even those who are not recognised as refugees or have not entered the RSD process may be familiar with the language associated with refugee situations such as 'durable solutions' and draw upon this language strategically when seeking support.



such as international telecommunications, the internet and international money transfer, through which refugees in the camp are able to communicate with their ‘lucky’ friends and relatives abroad. Jansen argues that this creates an environment in the camp that encourages refugees to “cheat” and “negotiate vulnerability” through insecurity claims; resettlement is viewed as something that can actively be attained rather than an option only for the most vulnerable few.<sup>55</sup> Agencies are constantly navigating this environment, trying to uphold their credibility with UNHCR or resettlement countries by identifying which refugees are indeed the most vulnerable. The result is a palpable culture of disbelief or doubt, whereby refugees are often assumed to be strategically bending the truth in order to be resettled. At the same time, this culture is strongly felt by refugees, who resent having to perform vulnerability to prove their eligibility for resettlement under the critical eyes of agency staff, and feel that they are constantly suspected of lying or cheating with agencies trying to catch them out so as to dismiss their claims.

#### 4. The Resettlement Landscape In Kenya

##### History of refugee resettlement from Kenya

There have historically been two channels through which refugees are resettled from Kenya: due to protection needs where no alternative solution can be identified, and through resettlement programmes targeting specific groups. In cases of referrals due to protection needs, these may be identified by UNHCR’s functional units<sup>56</sup> such as the Protection and Community Services Units or implementing partners who are working with refugees in a supportive capacity (e.g. providing legal aid, food aid, accommodation, etc.) and see that an individual or family has protection needs that cannot be met any way other than resettlement. In addition, there are avenues through which refugees can make their protection needs known to UNHCR or implementing partners via visiting UNHCR’s protection unit in Nairobi on ‘desking’ days (days when officers from UNHCR units are able to receive refugees in person in order for them to raise any issues they may have) or via field post in the camps (similarly to desking days, UNHCR units each have an assigned day when officers are available to receive refugees in person to discuss any issues). Refugees in both Nairobi and Kakuma may also communicate any protection needs with the police, who may then refer the case on to an appropriate UNHCR unit.<sup>57</sup> Diagrams in Annexes 4 and 5 present the pathways through which refugees may be resettled from Kakuma and Nairobi.

Resettlement programmes shift according to current political situations and agendas. Towards the end of 2000, 3,800 southern Sudanese unaccompanied minors known as the ‘Lost Boys’ were resettled to the U.S. from Kakuma under the United States Refugee Programme (USRP). In 2003, 15,000 Somali Bantu refugees were resettled from Kakuma.<sup>58</sup> As described below, in recent years refugees in Kakuma and Dadaab have been prioritised for resettlement according to their year of arrival in order to address the protracted refugee situation in Kenya.

During interviews with refugees and asylum seekers, references were sometimes made to corruption within the resettlement system during the late nineties / early 2000s, whereby refugees who were to be resettled had their cases ‘stolen’ or sold to others who were able to go in their places.<sup>59</sup> The

<sup>55</sup> Jansen, 2008, ‘Between vulnerability and assertiveness’.

<sup>56</sup> UNHCR’s functional units comprise of the Protection Unit, the Community Services Unit and the Resettlement Unit.

<sup>57</sup> Communication with Resettlement Officer, Kakuma, 16 October 2012.

<sup>58</sup> Jansen, *ibid*.

<sup>59</sup> Leila and Mohamed [Somali], interview Nairobi, 27 July 2012; Yusuf [Somali], interviewed Nairobi, 28 July 2012; Sagale [Somali], interviewed Nairobi, 28 July 2012; James [South Sudanese Dinka], interviewed Nairobi, 27 August 2012.

possibilities for this kind of fraud have more recently been limited by biometric registration systems.<sup>60</sup> There were also allegations of fraud within the resettlement system around this time which were made publicly known following an investigation by the UN Office of Internal Oversight Services, requested by UNHCR. The investigation revealed that up to 70 UNHCR employees in Nairobi accepted monetary bribes from refugees seeking resettlement in third countries.<sup>61</sup> Since, checks and balances have been put in place to limit opportunities for corruption.<sup>62</sup>

### Contemporary resettlement situation

In 2011, 3,581 refugees departed Kenya to be resettled in a third country and 10,518 refugees' cases were submitted for resettlement.<sup>63</sup> Of those who departed, the vast majority (2,083) were resettled to the U.S., 541 to Canada, 329 to Sweden, 208 to the U.K., 182 to Australia, 81 to the Netherlands, 58 to Norway, 10 to New Zealand, and 89 to 'other countries'.<sup>64</sup> Generally, the U.S. and Canada are deemed the biggest players in resettlement, followed by Australia, the UK and Sweden.

While the U.S. is by far the most significant country of resettlement based on the numbers of refugees it resettles, the process of resettlement to America is renowned amongst UNHCR, other refugee agencies and refugees alike to be long and often drawn-out. This is in large part due to the extensive security checks required by the Citizenship and Immigration Service (CIS).<sup>65</sup> UNHCR and implementing partners refer cases to be resettled to the U.S. via the Resettlement Support Centre (RSC) in Nairobi. RSC caseworkers are then responsible for carrying out interviews with these refugees, and gathering the information required by the U.S.'s Immigration and Naturalisation Service (INS), which then select refugees for interview based on the information gathered. At the same time, CIS conducts security checks on each of the cases. Through this process, refugees are rarely resettled to the US within a year, and Somali refugees usually face a significantly longer waiting period as compared to other nationalities.<sup>66</sup> UNHCR states that the average processing time between resettlement submission and departure of non-Somali refugees in Kenya stands at 358 days, but that for Somalis this processing time takes 617 days.<sup>67</sup> These figures are heavily skewed towards US figures, given the numbers of refugees the US resettles.

Numbers of refugees resettled by European countries, as shown in Annexes 4 and 5, appear to be a drop in the ocean. European countries do offer UNHCR important alternatives to the U.S., however; although the U.S. offers more than enough resettlement places, it is unable to process cases quickly, even in emergencies such as immediate protection needs or medical issues. European countries, on the other hand, are in special circumstances able to resettle cases in a matter of weeks, or sometimes even days. Sweden is renowned as the fastest country of resettlement, and has been able to turn cases around within as little as one to two days.<sup>68</sup>

<sup>60</sup> Interview with Resettlement Officer, Kakuma, 18 September 2012.

<sup>61</sup> Kirby, 2002, 'Crime did pay in Kenyan UN office'.

<sup>62</sup> Such as protection panels, which ensure that staff from different UNHCR units assess the appropriateness of resettlement as a durable solution for an individual or family. Interview with Resettlement Officer, Kakuma, 18 September 2012.

<sup>63</sup> see Annexes 2 and 3 for tables showing numbers of refugees submitted for resettlement and actual departures from 2007-2012, showing numbers according to Kenya's refugee population

<sup>64</sup> see Annex 3 for a breakdown of refugee departures to different third countries for 2007-2012 and Annex 2 for a breakdown of refugees whose files were submitted for resettlement to different third countries for 2007-2012

<sup>65</sup> Interview with Refugee Coordinator, US State Department, Bureau of Population, Refugees and Migration, Nairobi, 11 September 2012.

<sup>66</sup> Because of the risks associated with Somalis due to the presence of Al Shabaab in Somalia.

<sup>67</sup> UNHCR, 2012c, 'Updated fact sheets on priority situations for the strategic use of resettlement'.

<sup>68</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012; Swedish Migration Board delegation, Nairobi, 27 September 2012.

## Resettlement processes from the camps and Nairobi

### *Camps*

In recent years there have been two streams through which refugees are referred for resettlement from the camps. Since 2006, UNHCR has been implementing a protracted refugee resettlement programme from Dadaab and Kakuma camps. Refugees are selected for resettlement interviews based on their year of arrival, starting with the earliest arrivals from 1992 up to 2006 arrivals. The reason for making the cut-off year 2006 was in order for the programme to have a boundary and time limit (as opposed to the year 2006 having any particular significance in itself). Cases are most commonly referred to the U.S. or Canada, since the numbers are significant and tend not to be urgent. South Sudanese were not included in the protracted resettlement programme due to the country's anticipated independence which officially came about in July 2011.

Alongside the protracted refugee resettlement programme, refugees continue to be considered by UNHCR according to their protection needs and if there is no solution other than resettlement can be found for them.<sup>69</sup> This is the only channel through which urban refugees can be referred for resettlement; resettlement programmes tend only to apply in camps. Refugees can be referred to the Resettlement Unit via their own self-referral to the Protection Unit or Community Services Unit or via UNHCR's implementing partners. In addition, refugees may be referred to the Resettlement Unit by UNHCR colleagues in other units or implementing partner agencies according to their knowledge about refugees' protection needs. Refugees may write and submit letters to UNHCR explaining their protection needs, which is often seen as a means through which to 'apply' for resettlement. These letters are supposed to be read by the Protection Unit, which then proposes a solution for the issue, such as referral to the Kenyan police, camp security, Community Services Unit, etc. In general, writing letters is not an effective conduit for resettlement, perhaps because it is seen as a way through which refugees can actively seek resettlement and is a channel not always accessible to the most vulnerable; refugees who write letters must be literate and have knowledge of English, or else know someone who can assist them with writing the letter, or even be able to pay for that service.<sup>70</sup> In addition, UNHCR can be understaffed and when swamped with letters may not always read them. In situations where agency workers (UNHCR units or implementing partners) are unable to see alternative durable solutions for cases other than resettlement, cases are referred to a protection panel, constituted of staff from the protection unit, community services unit and field staff through which cases are discussed and a solution agreed to – be it resettlement, relocation to another section of the camp, relocation to Nairobi, and so on. The panel functions as a system of checks and balances to ensure fairness in the resettlement process and eradicate any opportunities for corruption, and meets when a certain number of cases have been referred. On the whole, alternative solutions to resettlement are found by the panel, and the resettlement unit receives a relatively small number of referrals this way.<sup>71</sup> Where refugees have entered the resettlement process through a needs or protection-based channel, if they are unsuccessful at the UNHCR stage they are unlikely to be informed why, since that would risk information about resettlement criteria leaking to the wider refugee population and people adjusting their cases accordingly. My impression was that was also the policy where refugees are rejected resettlement at the stage of interviews with third countries. Not being informed why one is rejected resettlement is, understandably, incredibly frustrating for refugees.

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<sup>69</sup> The pathways through which refugees may be resettled are presented in a diagram in Annex 4.

<sup>70</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>71</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

In Dadaab, the protracted refugee resettlement programme has been significantly delayed due to the current security situation in the camp,<sup>72</sup> as discussed below. In Kakuma, the protracted refugee resettlement programme is currently coming to an end, and is to be replaced with a more traditional, protection-based resettlement programme.<sup>73</sup> This programme will involve colleagues in the community service unit carrying out needs-based assessments of refugees, from which refugees potentially in need of resettlement can be identified for referral to the resettlement unit. The reasoning behind this process being conducted by the community service unit as opposed to staff in the resettlement unit is to avoid arousing refugees' awareness that the needs-based assessment is a channel for resettlement, and adjusting their statements accordingly. UNHCR is constantly faced with the challenge of rendering the resettlement selection process as credible as possible.<sup>74</sup>

### *Nairobi*

In Nairobi, refugees may be referred to UNHCR's Resettlement Unit via UNHCR's functional units (Protection Unit or Community Services Unit) or via UNHCR's implementing partners. Some implementing partners have resettlement referrals to UNHCR and agencies with memorandums of understanding with third countries to refer refugees to them directly (bypassing UNHCR) as part of their mandates, whilst others would only make referrals in situations where they identify extreme need. The Refugee Consortium of Kenya (RCK), for example, as well as mainly dealing with the provision of legal assistance to refugees, also refers clients for resettlement. RCK may refer clients to UNHCR, as well as to partners who are able to make direct referrals to countries of resettlement, for example HIAS (to Canada<sup>75</sup>), and Refuge Point (to the U.S.).<sup>76</sup> Kituo Cha Sheria, also a legal aid agency, has a collateral agreement with UNHCR to refer cases to UNHCR for further investigation vis-à-vis possibilities for resettlement.<sup>77</sup> Heshima Kenya, an organisation concerned with the protection of unaccompanied refugee children and youth in Nairobi, would refer services users to UNHCR only in cases of extreme insecurity.<sup>78</sup> The reasoning behind agencies such as Refuge Point and HIAS having memorandums of understanding with the larger resettlement countries is in part in order to ensure that vulnerable individuals who cannot be reached by or gain access to UNHCR can still be given opportunities for resettlement, and in order to help those resettlement countries to reach their resettlement targets. This is mainly a service targeting urban refugees as opposed to taking place in the camps,<sup>79</sup> and operates through other support programmes such as food and medical assistance or psycho-social support. Here, opportunities for resettlement are not usually made explicit, though most refugees are quite aware that these opportunities exist. As in Kakuma, at the UNHCR offices in Westlands, Nairobi, there is a facility through which refugees can submit letters describing their challenges in Kenya, though interviews suggested that refugees are rarely given responses. Generally, fewer cases are referred for resettlement from Nairobi. This is in part due to the Kenya office's reluctance to resettle urban refugees, preferring to refer them to the camps unless they have high profile cases, such as targeted persecution, or medical issues.<sup>80</sup> In addition, urban refugees are felt to

<sup>72</sup> Interview with UNHCR Resettlement Caseworker, Kakuma, 18 September 2012.

<sup>73</sup> UNHCR, 2012c; interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>74</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>75</sup> Though HIAS is exploring establishing an arrangement whereby it can also support the U.S. with meeting its resettlement needs and refer cases directly to the U.S., because Canada has in recent years curtailed its resettlement numbers, thus reducing funding to HIAS.

<sup>76</sup> Interviews with RCK, 20 July 2012; Refuge Point, 24 July 2012.

<sup>77</sup> Interview with Kituo Cha Sheria, 26 July 2012.

<sup>78</sup> Interview with Heshima Kenya, 18 July 2012.

<sup>79</sup> Though in the camps staff may be seconded to support UNHCR with resettlement referrals, such as RSC and Refuge Point.

<sup>80</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

be less vulnerable than camp refugees, except in cases whereby refugees might face persecution within the camps, such as because of their sexual orientation. For a summary of the resettlement process from Nairobi, see diagram in Annex 5.

### *Decision making*

In the camps and Nairobi there is no standard resettlement process by UNHCR, which operates on a case by case basis. Refugees may be called for a number of interviews before a decision is made on their eligibility for resettlement. Once cases are found to be eligible for resettlement and UNHCR has identified a potential country of resettlement, UNHCR issues the refugee with a submission letter which states which country they have been recommended to. In Kakuma, in situations where an individual or family is suspected of fraud with regards to their resettlement case (such as inventing or fabricating an insecurity claim), UNHCR will keep the case on hold, conducting further interviews or investigations and, if the case continues to appear suspicious, ultimately referring the case to an oversight panel which conducts its own investigations. Should it be concluded that the refugee(s) in question are guilty of fraud, they are called to the office of the Resettlement Officer and informed that their case has been rejected for that reason. Officially, UNHCR has a sanctions system which excludes refugees from the resettlement process for three to twelve years, though this is not always implemented.<sup>81</sup> If refugees have cases pending with UNHCR, they may enquire about the status of their case at UNHCR field posts in Kakuma 1 and 3 sections of the camp, held every Friday morning. Field posts are run by two UNHCR resettlement caseworkers, who are able to check on refugees' cases via connecting to an online database. Caseworkers are able to serve 45 refugees, who gain a place in the queue by taking a token from the field post a week earlier which entitles them to be seen the following week.

Resettlement from Kenya in recent years has largely taken place from Kenya's (and indeed the world's) largest refugee camp, Dadaab. UNHCR's targets for resettlement were high due to the vast numbers of refugees living in Dadaab, many of whom were protracted cases; in 2011, 10,000 individuals were targeted for resettlement, with 8,000 of those refugees selected from Dadaab. However, heightened insecurity in Dadaab over the past two years has led a number of countries to withdraw their personnel from conducting resettlement interviews in the camp, curtailing UNHCR's target figures from Kenya in 2012 to 3,750, with only 750 refugees coming from Dadaab.<sup>82</sup> This has created a real challenge for UNHCR, as resettlement countries scramble for refugees from a much smaller pool of candidates in order to meet their resettlement quotas. Furthermore, many of Dadaab's protracted refugees are most in need of resettlement, but remain largely inaccessible. UNHCR has been exploring alternative methodologies through which refugees submitted for resettlement can be accessed by interviews for third countries, including video conferencing (piloted with Canada in July 2012).<sup>83</sup> In addition, PRM, U.S. State Department has provided funding for the transfer of 2,000 Somali refugees from Dadaab to Kakuma, facilitated by IOM, for processing by RSC, which has not been allowed to access Dadaab for the past two years. Plans are currently in place for the construction of shelters in Kakuma to accommodate these families and individuals as they are being processed for resettlement to the U.S. Alternatives were also found for Sweden, which interviewed around 250 refugees from Dadaab in September 2012 in Nairobi, funding IOM's operation of securely transporting two cohorts of refugees to Nairobi by bus,<sup>84</sup> and accommodating them in IOM's transit centre near Wilson Airport. These measures are of course costly, and, in the case of Sweden, meant

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<sup>81</sup> Interview with UNHCR Resettlement Officer, Kakuma, 18 September 2012.

<sup>82</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012. Countries are unlikely to be willing to resettle refugees on a dossier basis, since the security risks associated with Somalis has rendered face to face interviews a requirement.

<sup>83</sup> UNHCR, 2012c.

<sup>84</sup> The road from Dadaab is highly dangerous, with frequent attacks by bandits.

that the numbers of refugees requested for submission by UNHCR was curtailed from 350 to 300 (50 of the refugees were selected from Nairobi) because the cost of transporting and accommodating them was simply too high. In addition, the cultural orientation programme which takes place during the selection mission was cut from three days of classes to just a one hour session.<sup>85</sup>

## 5. European Countries' Resettlement Processes From Kenya

### Overview

In 2012, three EU member states carried out selection missions in Kenya: Sweden, the UK and the Netherlands. Sweden has been conducting selection missions in Kenya since 2009 and has prioritised the Horn for resettlement for the past two years (previously priority was given to the Middle East). The Netherlands have been resettling from Kenya on a regular basis since 2007. Denmark has not conducted selection missions in Kenya for the past two years, but did so in 2010, during which 124 Congolese and two Burundians were selected for resettlement.<sup>86</sup> At the time of this report's completion, the UK Home Office was unable to provide information about the history of the country's resettlement from Kenya. Other EU member states carry out resettlement from Kenya on a dossier or emergency basis according to UNHCR's requests, but it was not possible to capture this data since records tend to show the refugees' countries of origin as opposed to country of first asylum.<sup>87</sup> Dossier submissions are typically made through UNHCR's regional hub office in Nairobi. A number of European countries allocate a proportion of their annual quota to dossier and emergency cases which can be turned around in a relatively short space of time. As described above, this is an important facility for UNHCR and urgent cases, and is particularly highly valued since it is not offered by all resettlement countries. Of Sweden's worldwide resettlement quota of 1,900, about half is reserved for dossier cases, and 350 of them are reserved specifically for emergency cases.<sup>88</sup> For the Netherlands, of its global quota of 500, 100 resettlement positions are reserved for medical cases and family reunification.<sup>89</sup> The UK has no specific quota for emergency or medical cases, but can accept up to 40 cases via Romania's Emergency Transit Centre in Timisoara and three per cent of its quota for emergency medical cases.<sup>90</sup> On a dossier basis, UNHCR need only submit a file on the refugee individual or family, which is considered by the country of resettlement to be adequate information for the resettlement process to go ahead. However, in certain cases countries do require doing a face to face interview. Sweden, for example, must interview Somali refugees before accepting them for resettlement, even in case of an emergency, and the Netherlands is currently piloting video conferencing with refugees who are submitted for resettlement on a dossier basis.<sup>91</sup>

### Referral and selection processes

For non-dossier or emergency cases, the resettlement process to European countries begins with the countries announcing their plans to conduct missions in Kenya, and the number of refugees they intend to select for resettlement. This communication tends to occur in January following decisions on

<sup>85</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>86</sup> Email correspondence with the Danish Immigration Services, 27 September 2012.

<sup>87</sup> France, Switzerland and Finland resettle on an ad-hoc dossier basis from Kenya. IOM Operation Manager for non-U.S. movements, interviewed Nairobi, 10 August 2012.

<sup>88</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>89</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>90</sup> Know Reset data on the United Kingdom. [www.knowreset.eu](http://www.knowreset.eu)

<sup>91</sup> Interviews with Swedish Migration Board delegation, Nairobi, 27 September 2012, and Netherlands COA, Nairobi, 30 August 2012.

global resettlement quotas for the following fiscal year, and often involve giving UNHCR relatively short notice ahead of the missions.<sup>92</sup> The exception here is Sweden, which announced its quota for the following year to UNHCR in December and its plans to conduct its selection mission in the spring (though this was postponed to September due to the security issues in Dadaab).<sup>93</sup> UNHCR sends the resettlement country a questionnaire requiring specification of the kinds of cases the country is looking for. Sweden, on UNHCR's recommendation, specified that it wished to select 350 Somali refugees, with the majority residing in Dadaab. All cases to be resettled to Sweden are required to need alternative protection, described as "otherwise in need of protection" in Swedish alien law. This includes vulnerable families (including female-headed families), minority groups (in the Somali case, minority clans and religious minorities), and medical cases (though medical cases are also required to have additional protection needs).<sup>94</sup> Following an initial plan to also resettle Somalis from Dadaab, the UK this year specified that it only wished to select Ethiopian Oromo refugees for resettlement from Kakuma and Nairobi, and instead of resettling from Dadaab selected Congolese refugees from Tanzania.<sup>95</sup> At the time of this report's completion, the Home Office was unable to provide information about the kinds of cases prioritised by the UK for resettlement. The Netherlands specified that it wished to resettle non-Somali refugees.<sup>96</sup> Otherwise, priority is given to victims of trauma, women at risk and medical emergencies.<sup>97</sup> In addition, the Netherlands seeks a balanced caseload, consisting of families, women at risk and single men, and refugees' 'integration potential' is a determining factor of their selection.<sup>98</sup>

On receiving the completed questionnaire, UNHCR goes about identifying cases to submit to the country of resettlement in response to the requirements that have been specified, and Resettlement Referral Forms (RRFs) for each case selected.<sup>99</sup> RRFs have seven sections, including information on the country of origin, and there is currently some debate on whether all this information is needed for all resettlement countries and whether the referral process can be streamlined to save time and resources.<sup>100</sup> The referral process can be rushed for UNHCR, especially since they tend to be short-staffed at the beginning of the year.<sup>101</sup> Cases may have been earmarked ahead of countries announcing their missions, but it is an objective of UNHCR to have pools of RRFs prepared in advance, even if at the time of completion no potential country of resettlement has been identified. This lesson was learned this year, when the UK specified that it required Oromo cases, and there was a lack of Oromo cases prepared for referral since there are often challenges around resettling Oromo to UNHCR's biggest customer, the U.S.<sup>102</sup> UNHCR was thus this year faced with preparing over 200 RRFs for Oromo refugees in Kakuma and Nairobi for submission to the UK at relatively short notice.<sup>103</sup>

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<sup>92</sup> Interview with Refugee Coordinator, US State Department PRM, Nairobi, 11 September 2012.

<sup>93</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>94</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>95</sup> Interview with British High Commission, Nairobi, 10 August 2012; with IOM Operations Manager for non-US movements, Nairobi, 10 August 2012.

<sup>96</sup> According to COA, the decision to select non-Somali refugees was based on the already significant numbers of Somalis seeking asylum in the Netherlands irregularly, and a tendency to experience difficulties with Somalis' legal claims, especially around family composition. Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>97</sup> Government of Netherlands, 2011 'Chapter on the Netherlands, UNHCR Resettlement Handbook 2011'.

<sup>98</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>99</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>100</sup> Interview with Refugee Coordinator, U.S. State Department PRM, Nairobi, 11 September 2012.

<sup>101</sup> This is due to their contracting of International Catholic Migration Commission (ICMC) personnel whose contracts tend to be 6 monthly and come to an end by December 31<sup>st</sup>. Interview with Refugee Coordinator, US State Department PRM, Nairobi, 11 September 2012.

<sup>102</sup> Oromo often fail to clear U.S. security checks due to the country's 'material support' clause of the Patriot Act, put in place by the Bush Administration in the wake of 9/11. The clause specifies that no individual who has provided material support to any 'terrorist' organisations, which includes rebel movements seeking to overthrow ruling governments, shall

On receiving the RRFs, countries process the forms, and conduct security checks on the cases. Countries may carry out their own screening on the cases based on their own excludability criteria and processes if they differ from UNHCR's. For example, the UK will do their own exclusion assessment on receiving the RRFs, and the Netherlands brings an exclusion expert with them on the selection mission. Sweden, on the other hand, tends to rely upon UNHCR's exclusion criteria, and only seeks further consultation with UNHCR if during an interview with a refugee there is some contradictory or inconsistent information to that on the RRF.<sup>104</sup> If at the pre-mission stage countries screen out any of the cases referred by UNHCR based on their own excludability criteria or security checks, they may contact UNHCR to request submission of additional RRFs in order for the country to meet their resettlement quotas. For Sweden, no cases were screened out at this initial stage this year.<sup>105</sup> The Netherlands did not specify the number of cases that were screened out at this stage, but of the 80-100 forms they requested, 70-80 refugees were selected for resettlement. One Oromo refugee informant in Kakuma reported receiving a submission letter from UNHCR stating that his case had been recommended to the Netherlands, but was not contacted by the Netherlands for an interview, suggesting that this case would have been removed at the initial screening stage.<sup>106</sup> The British High Commission in Nairobi was not aware of the number of cases submitted by UNHCR to the UK that were rejected by the Home Office, which was unable to provide this information at the time of the report's completion.<sup>107</sup>

Once the RRFs have been screened and verified, countries communicate to UNHCR which refugees will be interviewed during their selection missions, and arrangements for the mission are made accordingly. This year, Sweden conducted all interviews for the 250 Somali refugees from Dadaab and 50 Somali refugees from Nairobi in the IOM transit centre in Nairobi (numbers curtailed by 50 due to costs, as explained above). Interviews were conducted by a delegation from the Swedish Migration Board.<sup>108</sup> The Netherlands conducted its mission in Kakuma and Nairobi, interviewing 30 non-Somali refugees from Kakuma and 50 from Nairobi. The delegation consists of the Immigration and Naturalisation Service (IND), which assesses refugees' legal claims, the Central Agency for the Reception of Asylum Seekers (COA), which conducts 'social intake' interviews during which refugees' integration potential is assessed and information is gathered to create a social file for each individual for use in the cultural orientation, reception and introduction programmes on arrival in the Netherlands, and a medical doctor who conducts a medical assessment for each interviewee.<sup>109</sup> In recent years, the UK has been spreading the selection of the number of refugees it pledges to resettle from Kenya across two to three missions.<sup>110</sup> This year, the UK pledged to resettle 140 Oromo in Kakuma and 90 in Nairobi, and during its most recent mission in Kenya in June selected 128 refugees from both sites. The delegation consists of officers from the UK Borders Agency (UKBA) of the Home Office.<sup>111</sup> In Nairobi, refugees are interviewed at the IOM transit centre, and in Kakuma, interviews are conducted in the IOM resettlement processing centre situated in the Kakuma 2 section

(Contd.) \_\_\_\_\_

be able to enter the U.S. This has caused many Oromo refugees to be disqualified from resettlement to the U.S. based on their (often tenuous) support of the Oromo Liberation Front (OLF), a separatist group promoting the self-determination of the Oromo people of Ethiopia, labelled by the Ethiopian government as a 'terrorist organisation'.

<sup>103</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>104</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>105</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>106</sup> Abdi [Oromo], interviewed Kakuma, 22 September 2012.

<sup>107</sup> Interview with British High Commission, Nairobi, 10 August 2012.

<sup>108</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>109</sup> Interview with Netherlands COA, Nairobi, 30 August 2012; information on Netherlands resettlement on EU Resettlement Network website.

<sup>110</sup> Interview with British High Commission, Nairobi, 10 August 2012.

<sup>111</sup> Resettlement Inter-agency Partnership, 2004, Understanding resettlement to the UK.



of the camp.<sup>112</sup> In some cases, slight changes can be made to those refugees who are to be interviewed ahead of the mission. Sweden, for example, received notification a few days before its mission to Kenya that five emergency cases would be submitted for resettlement. The delegation conducted security checks on these cases during the selection mission, and all five cleared. Due to the costs involved in the mission this year for transporting refugees from Dadaab, the submission of the additional five cases meant that some refugees on the original list were removed to accommodate the emergency cases.<sup>113</sup> Because those withdrawn were a family, and two cases did not show up to the interview,<sup>114</sup> the number of refugees interviewed was curtailed to 295 (i.e. it was not possible to interview 300 cases as planned).

### Post-selection

Sweden makes decisions on the cases interviewed during the mission, and once all interviews have been completed holds a meeting with UNHCR to discuss the decisions made. This year, Sweden accepted all 295 refugees interviewed for resettlement. The delegation from the Swedish Migration Board this year had the technology to communicate directly with its alien database in Sweden and the municipalities to which the refugees will be resettled. They had the equipment to process the travel documents of all the refugees in country during the selection mission, and deposited the emergency alien passports for the refugees with UNHCR towards the end of the mission. Residence permits take longer to process and are produced in Sweden, but should reach the Swedish Embassy in Nairobi for delivery to UNHCR within 3 weeks. This new system has rendered the Swedish Embassy redundant in the resettlement process, and makes the resettlement process more efficient, reducing the time that the selected refugees await departure.<sup>115</sup> That said, the sticking point is the availability of appropriate accommodation in the municipalities, especially for medical cases. Since most refugees are resettled in northern Sweden, where the concentration of advanced university hospitals is significantly lower than in the south, it can be difficult to find municipalities which can meet the needs of those with medical cases. In addition, challenges are encountered when trying to resettle refugees with disabilities, since ground floor accommodation or apartment blocks with elevators are not always available. For this reason, the Swedish Migration Board currently faces a backlog of cases to be resettled within the year; at the time of the study, around half of the cases to be resettled that year were yet to depart. Since any refugees not departing by 31<sup>st</sup> December are carried over to the following year, filling up that year's quota, it is an urgent priority of the Swedish Migration Board for as many refugees as possible to depart by the end of the year. Originally, the group of 295 refugees selected from Kenya were intended to be resettled in January 2013, yet due to delays on the resettlement of refugees from other regions, the Swedish Migration Board is now aiming to have resettled them by the end of the year. The five urgent cases remain a priority, as do a number of other cases pending their security situation in Dadaab. As explained above, Sweden's cultural orientation programme this year consisted of a one hour session, which included a 15 minute video about life in Sweden and a brief explanation about air travel. In previous years, the cultural orientation programme has been conducted over a three day period, conducted by teachers from the municipalities in Sweden where the refugees would be resettled.<sup>116</sup>

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<sup>112</sup> Interview rooms were funded by the U.S. and are labelled 'RSC interview room' 1, 2, 3, etc. since they are mostly used by RSC, but may be used by delegations from any resettlement country.

<sup>113</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>114</sup> One no-show was a family member who had gone missing. The rest of the family were interviewed. The other no-show was a Nairobi-based refugee who had been called on several occasions, but appears to have chosen not to attend. Without an interview, refugees are not accepted for resettlement. Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>115</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

<sup>116</sup> Interview with Swedish Migration Board delegation, Nairobi, 27 September 2012.

The Netherlands accepted around 70 refugees, the majority of cases interviewed, during their mission this year, and held a meeting with UNHCR at the end of the mission to discuss the decisions made. All of the refugees selected will be resettled to the same municipality, Freisland, where refugees from Kenya were also resettled the previous year. A 'pre-arrival' phase of six months' duration follows the selection mission. This includes three cultural orientation courses, each conducted over four days. Across all of the cultural orientation sessions, 30-40 per cent of the time is allocated to Dutch language lessons, on the premise that language is the most important tool for integration. This year, COA has piloted additional language lessons for the refugees residing in Nairobi, led by volunteer teachers from the Netherlands. Refugees in Nairobi who were seen to experience difficulties in the language classes were identified for two additional language lessons per week between cultural orientation courses, held at the IOM transit centre. For the stronger students, one additional language class per week is taken. The additional lessons are voluntary, but the majority of refugees are keen to take them up. The first cultural orientation session is carried out six to eight weeks following the selection mission (this year held in July) the second around a month later, (this year in August), and the final session around a month prior to departure (this year held in mid-October). In addition to Dutch language, the cultural orientation courses feature information sessions about various aspects of life in the Netherlands. The first course focuses on life at the national level, the second at the level of the municipality the refugees will be resettled in, and the third at the personal or family level. Subjects taught include Dutch law, human rights issues, education, health, traffic rules and regulations, budgeting and shopping and income. During the courses, refugees are closely monitored and their files kept up to date with any information required by the municipality in which they will be resettled. During breaks between sessions, trainers spend time talking with individuals on a one-to-one basis, especially those who appear to be struggling to keep up during the classes. In the final session, refugees are advised of the housing they will be given, and are shown the accommodation via Google Earth. They are also given information about their nearest medical facilities, and the schools their children will attend. This year, departure is scheduled for November. The Netherlands Embassy deals with the processing of the refugees' travel documents.<sup>117</sup> IOM conducts a fit for travel check for all refugees, but the Netherlands does not conduct a full medical screening until arrival, including for TB.<sup>118</sup> On arrival, refugees are hosted in a hotel near Schiphol airport and undergo 48 hours of checks, which include the medical screening, and during which their photographs and fingerprints are taken. Following the checks, they are taken to the municipalities, from where further cultural orientation takes place, conducted by the local authorities and local NGOs. This year is the second year to carry out this post-arrival programme; until the beginning of 2011, resettled refugees on arrival would be hosted in a resettlement centre for 6 months before being transferred to the municipalities. During this programme, cultural orientation pre-departure was just one four-day session, since the majority of cultural orientation would be delivered from the resettlement centre.<sup>119</sup>

The UK also accepted 'the majority' of refugees interviewed for resettlement, rejecting just three or four.<sup>120</sup> During the selection mission, refugees' biometrics and photos are taken, medical assessments are conducted by IOM, and the data is left with the embassy in Nairobi. The decision-making process is conducted from the UK, following which the decisions are communicated with UNHCR and the embassy in Nairobi and travel documents are prepared for the refugees selected and deposited with IOM. Refugees usually travel in groups of around twenty, and are resettled together in the same area. They are taken to the IOM transit centre, where final medical checks by IOM are conducted before departure to ensure that they are fit to travel and free from TB.<sup>121</sup> Sometimes refugees require medical

<sup>117</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>118</sup> Interview with IOM sub-office manager, Kakuma, 23 September 2012.

<sup>119</sup> This programme was delivered for four years, and the shift came about with a change of government. It was felt that direct transfer to the municipalities was better for refugees' integration.

<sup>120</sup> Interview with the British High Commission, 10 August 2012.

<sup>121</sup> The UK does not refuse any individual entry on medical grounds but refugees may not travel if they have TB.

escorts, and these are provided by IOM. Prior to departure, the refugees receive cultural orientation training for a day. The cultural orientation focuses on personal hygiene, how to use flush toilets, baths and showers, how to conduct oneself on an aeroplane and what to expect on arrival. The time between interview and departure is short – usually between one and two months. Further cultural orientation is delivered post-arrival.

### **Experiences of UNHCR and implementing partners of European resettlement**

Interviews with UNHCR and implementing partners suggested that European resettlement is highly valued due to countries' abilities to resettle cases in short spaces of time and their systems of allocating portions of their quotas to dossier cases and emergencies. However, agencies can experience difficulties around the time and resources spent meeting the resettlement needs of European countries relative to the number of refugees that European countries resettle. This was also expressed from the perspective of U.S. State Department PRM, which experiences a lull in resettlement referrals at the beginning of the year because UNHCR channels all of its resources into responding to the missions of European countries. UNHCR operates in this way because, in spite of long security checks, the U.S. will accept large numbers and is relatively open as compared to European countries, which are often deemed to be more choosy. The U.S. in particular then tends to get a surge of referrals towards the end of the year, once all European resettlement places have been filled. As mentioned above, this is partly a human resources issue on UNHCR's part, since the contracts of many of its staff come to an end in December which means they are understaffed at the busiest times of the year. Since the U.S. is UNHCR's biggest resettlement 'customer', the prioritising of European countries which resettle much lower numbers can seem illogical.<sup>122</sup> Nevertheless, especially for cases urgently requiring resettlement, or groups or nationalities which are less likely to be accepted by the U.S., such as Oromo and Eritreans,<sup>123</sup> UNHCR feels that prioritising European countries' resettlement needs is important and necessary. This can result in a hectic first half of the year as referrals are being made, until European countries' missions are completed and quotas are filled, including for dossier and emergency cases. Thereafter, UNHCR is able to continue referring cases to RSC, and faces the difficult situation of keeping any new emergency cases that arise on hold as they await the new fiscal year to begin referring to European countries again. This can be particularly stressful, since some of these cases may be in life-threatening situations, and yet there tend to be no immediate opportunities for resettlement in the second half of the year. The only way to begin addressing this issue would be for those countries which offer resettlement on a dossier basis to significantly increase their dossier and emergency quotas in order to make options available for emergency cases throughout the year.<sup>124</sup> In addition, European countries providing UNHCR with more prior warning ahead of missions would enable UNHCR to plan more effectively for the coming year. Spacing missions throughout the year would allow UNHCR to spread its time more evenly between the various countries resettling from Kenya. This may involve communication between European countries conducting resettlement, so that they can plan their various missions through the year accordingly.<sup>125</sup>

IOM reported similar challenges around working with European countries, each of which has its own systems and schedules which can prove cumbersome to deal with when the numbers actually resettled are relatively few. Except for the UK, which budgets for its resettlement programme three

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<sup>122</sup> Interview with Refugee Coordinator, PRM, Nairobi, 11 September 2012; discussions with RSC caseworkers between June and September 2012. The Refugee Coordinator, PRM, commented that he repeatedly reminds UNHCR that no business survives that gives preference to the smallest customer.

<sup>123</sup> Due to any associations or affiliations with the Eritrean People's Liberation Front (EPLF), also based on the 'material support' clause referenced above.

<sup>124</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012.

<sup>125</sup> Interview with Refugee Coordinator, PRM, Nairobi, 11 September 2012.

years in advance, European countries provide IOM with very tentative ‘hints’ about the numbers they might resettle when at the planning stage for the following year.<sup>126</sup>

Kenya’s resettlement infrastructure, which European countries are able to use to meet their own resettlement quotas, is almost entirely funded by the U.S. Although this is logical, since the U.S. is UNHCR’s and IOM’s biggest ‘customer’ in resettlement, there is a sense that European countries should be more committed to supporting this infrastructure financially, since it depends upon it for its resettlement requirements. As it stands, should the U.S. stop resettling from the region, this infrastructure could not be maintained with the relatively insignificant and ad hoc funding that European countries provide; there is a sense that European funding could not be depended upon for IOM’s operations. For example, total funds from European resettlement allow IOM Nairobi to employ only two full-time national staff to manage operations to European countries.<sup>127</sup> In addition, because European countries tend to provide little notice on their resettlement numbers, IOM can be forced to adjust its operations at the last minute, likely incurring further costs.<sup>128</sup>

IOM can also experience some challenges around a lack of standardised procedures from European countries. For example, some countries require thorough medical checks from IOM, while others do not. While the UK and Denmark have a no-travel policy if a refugee is infected with TB, Sweden, the Netherlands, Norway and Finland do not. The Netherlands brings their own medical doctor who checks refugees at the selection mission stage for reasons of efficiency.<sup>129</sup> While all refugees undergo fit for travel checks before departure regardless of their destination, this is not enough to diagnose more complex health issues. A standard medical examination for all refugees which would help prevent outbreaks, better screening to avoid complications in flight and prevent problems after arrival.<sup>130</sup> Similarly, there is no standard procedure around cultural orientation. This is in large part because different countries have different ideas around what cultural orientation should involve, reflected in the very different programmes and curriculums taught as described above for Sweden, the Netherlands and the UK. In situations where a small number of refugees are resettled ahead of a larger cohort due to an urgent need to leave Kenya, countries may contract IOM to conduct the training. The Netherlands, for example, asks IOM to do four days’ training with refugees who are not able to participate in its own extensive cultural orientation programme and provide IOM with a curriculum.<sup>131</sup> Although the Netherlands would fund this directly, the time spent by the manager of cultural orientation at IOM is not accounted for, since such requests have an ad hoc nature.<sup>132</sup> This is again an example of how implementing agencies must respond to European countries needs around resettlement on an ad hoc basis, using resources which are largely funded by larger resettlement actors.

While European countries are highly valued for their capacity to take dossier and emergency submissions and for the speed with which they can resettle refugees, they are also perceived as being somewhat choosy about the refugees they accept for resettlement, and not necessarily according to individuals’ and families’ vulnerability. For example, the UK’s decision this year to only take Oromo refugees from Kenya and the Netherlands’ request for non-Somali refugees were experienced

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<sup>126</sup> Interview with IOM Operations Manager for non-U.S. movements, 10 August 2012.

<sup>127</sup> It was noted the salaries of whom alone are likely higher than the total funding IOM receives from European countries on an annual basis.

<sup>128</sup> Interview with IOM Operations Manager for non-U.S. movements, 10 August 2012.

<sup>129</sup> Communication with COA, Netherlands, 10 October 2012.

<sup>130</sup> Interview with IOM Operations Manager for non-U.S. movements, 10 August 2012.

<sup>131</sup> Interview with Netherlands COA, Nairobi, 30 August 2012.

<sup>132</sup> Interview with Canada’s Cultural Orientation Abroad Global Project Manager, Nairobi, 10 August 2012. The position of the manager of cultural orientation at IOM is funded by Canada because Canada is IOM’s biggest customer in terms of cultural orientation. In the past IOM has conducted cultural orientation for refugees being resettled to the U.S., but the contract is currently held by CWS who also have the contract for RSC.

problematically by UNHCR, since third countries seen to be favouring or discriminating against specific ethnic groups undermines UNHCR's efforts to make resettlement appear fair and entirely according to need and causes refugees to complain about what they perceive as bias and racism (see following section).<sup>133</sup> Countries assessing the 'integration potential' of refugees were also criticised, since they tend to select refugees according to their education levels and language skills as opposed to on a needs-based assessment.<sup>134</sup>

Few agency staff interviewed were aware of any changes yet brought about by the Joint European Resettlement Programme (JERP) which was passed through the European Parliament in March 2012. However, UNHCR's Senior Resettlement Officer in Nairobi noted that the German Embassy in Nairobi had recently requested a meeting with UNHCR to discuss resettlement from Kenya for the following year, which she suggested was a response to the JERP's identification of Kenya as a priority country of first asylum from which to conduct resettlement.

## 6. Refugee Narratives, Perspectives And Experiences Of Resettlement

Resettlement has become a highly desired commodity for refugees both in camp and urban settings; resettlement is often perceived as something that is attainable or can be actively achieved. While those refugees and asylum seekers interviewed recognised that resettlement is something that refugees should need as opposed to desire, the majority had strong narratives and claims which depicted themselves as in need of resettlement. This is not something that should necessarily be disputed or questioned; undoubtedly refugees in both camp and urban settings are forced to live in extremely challenging circumstances. However, some refugees are of course more vulnerable than others, and these are the individuals and families who are sought out by UNHCR and implementing partners.

The following subsections explore the resettlement contexts in Nairobi and Kakuma and the narratives, perspectives and experiences around resettlement of those refugees who were interviewed across the two sites.

### Who seeks resettlement?

A situation of generalised insecurity in Kakuma or Nairobi is not considered sufficient grounds by UNHCR for the resettlement of refugees; rather, refugees should have a protection need that is specific to them as individuals or families in order to be referred for resettlement. However, the majority of refugees want resettlement since, regardless of individual circumstances, life in both the camps and Nairobi is extremely challenging and many hold onto the dream of a better life abroad. Because refugees are aware to an extent of the reasons refugees are referred to be resettled in a third country – i.e. extreme vulnerability or insecurity – it is not uncommon for refugees to 'negotiate vulnerability',<sup>135</sup> highlighting their cases of insecurity and sometimes embellishing these situations. Agencies also spoke of refugees sometimes 'creating' situations of vulnerability in order to get resettlement.

### Who does not seek resettlement?

Very few informants had no interest in resettlement, or had not explored at least some means through which to obtain it. All of the refugees interviewed in the camp were acutely aware of resettlement; weekly postings of ration card numbers of refugees called for resettlement interviews with UNHCR,

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<sup>133</sup> Interview with UNHCR Senior Protection Officer, Kakuma, 19 September 2012

<sup>134</sup> Interview with UNHCR Senior Resettlement Officer, Nairobi, 14 August 2012

<sup>135</sup> Cf. Jansen, 2008.

RSC and delegations from resettlement countries as well as frequent flights departing out of the camp carrying refugees selected for resettlement makes resettlement a highly visible practice on almost a daily basis. A minority of the refugees interviewed in Nairobi, however, were less resettlement aware or savvy. Four of the South Sudanese refugees interviewed in Nairobi had little to say about resettlement, and were much less familiar with the language of resettlement. One Somali young woman working for an NGO in the city who had waited two years for feedback from an interview with RSC suggested that she had no inclination to waste any more time and energy chasing up her case, and that she would rather remain in Nairobi than stress herself with pursuing resettlement.<sup>136</sup> An interview with one Oromo informant highlighted how very vulnerable refugees may not have the capacity to seek out resettlement; his mandate expired in 2004 and he claimed not to have returned to the UNHCR office since to renew it due to his anxieties around travelling far from home.<sup>137</sup>

### How is resettlement sought?

A number of informants in both Kakuma and Nairobi seemed to have made attaining resettlement a project to actively work on through certain practices or methods, such as regular visits to UNHCR and implementing partners, writing letters to submit to the UNHCR offices and collecting papers documenting their suffering, mistreatment or the unfairness of UNHCR's policies and practices. It is important to note that for refugees, in camps especially, who may have little control over their lives, daily engagement with such a project may be one of the few ways they feel able to gain some agency or autonomy, and maintain some hope in an otherwise bleak situation. Saida, a Somali refugee and single mother making a living in Nairobi's Eastleigh selling foodstuffs such as ghee and dried meat from an open-air stall, said that since she received her mandate she has sought assistance from numerous agencies, including Kituo Cha Sheria and RCK,<sup>138</sup> telling them of the challenges she faces in Nairobi, since that is a way through which one might be referred for resettlement.<sup>139</sup> A number of Congolese refugees spoke of writing letters to UNHCR describing their hardships in Nairobi. One informant described writing letter after letter, week after week, until he lost heart after never receiving a single reply.<sup>140</sup> In Kakuma, there was more evidence of group action, likely because of the close proximity within which refugees live. A group of South Sudanese Dinka informants, for example, showed me a letter complaining of the lack of resettlement opportunities for South Sudanese since independence, requesting that UNHCR reconsider granting them resettlement.<sup>141</sup> An Oromo informant informed me that a group of 50 refugees of Ethiopian nationality from one section of the camp who had arrived between 1992 and 1999 and yet remained in the camp whilst other such early arrivals had since been resettled submitted a letter to UNHCR to remind the agency of their protracted situation.<sup>142</sup> Similarly, a Burundian refugee told me of collective action by himself and ten other Burundians whose resettlement cases had long been pending with UNHCR without being informed why; the group went directly to talk to the Resettlement Officer in the UNHCR compound.<sup>143</sup>

<sup>136</sup> Asha, interviewed Nairobi, 25 July 2012.

<sup>137</sup> Boru, interviewed Nairobi, 16 July 2012.

<sup>138</sup> Three informants mentioned that RCK had referred their cases and that they expected this to be to HIAS, recommending them for resettlement, although they were not advised of this. None of them, however, had received any further feedback, and felt that the organisation had given them false hope. Naima [Oromo], interviewed Nairobi, 21 July 2012; Fatuma [Somali], interviewed Nairobi, 11 August 2012; Saida [Somali], interviewed Nairobi, 26 July 2012.

<sup>139</sup> Saida, interviewed Nairobi, 26 July 2012.

<sup>140</sup> Joseph, interviewed Nairobi, 28 August 2012.

<sup>141</sup> Interviewed Kakuma, 20 September 2012.

<sup>142</sup> Jarso, interviewed Kakuma, 21 September 2012.

<sup>143</sup> Thomas, interviewed Kakuma, 19 September 2012.

Some informants reported seeking resettlement through family reunification, but failing due to tenuous biological relationships. This could have ramifications for refugees' resettlement chances later down the line. Abdullahi, for example, a refugee residing in Nairobi but officially registered in Kakuma, reported his family attempting reunification with a cousin in the U.S. in 2006 but failing at the DNA test. Although they had arrived in Kenya in 1992, and thus should have been referred for resettlement some time ago based on their protracted situation, the reunification case stalled their resettlement case, which was only reactivated this year, and due to their failure to the U.S. they had been referred to Canada.<sup>144</sup> Another Somali informant, this time in Kakuma, recounted how her family had attempted 'reunification' with a family friend who had been resettled in the U.S., and to do so had changed their family name, year of arrival and reported only having resided in Nairobi. Having passed through interviews with RSC, UNHCR was required to retrieve the family's file. This required giving their fingerprints, at which point it was realised that they had been registered with different details. As punishment for fraudulent activity, on return to Kakuma the family were told that they would be put to the bottom of the pile for the protracted resettlement programme in spite of being amongst the earliest 1992 arrivals to Kenya.<sup>145</sup> Since, their case has remained 'pending'. Five out of ten South Sudanese refugees in Nairobi (of both Dinka and Nuer ethnicities) spoke of a 'form' which they had completed in Kakuma in 2004/5 which sought resettlement in Australia through 'reunification' with South Sudanese people in the diaspora. These individuals were not usually relatives but shared the same ethnic group as the refugees. All of the informants had received rejection letters from the Australian embassy.<sup>146</sup> One informant mentioned paying \$50 to employ somebody to help him complete the form.<sup>147</sup> Refugees' desires and even desperation for resettlement can itself render refugees vulnerable to scams, as well as manipulative or even violent family relations. Saida described contacting relatives who had been resettled in Australia requesting them to call for her as a family reunification case. The relatives responded that she would need to marry a relative, whom she had not met but had heard negative things about. When she refused to marry, they cut contact with her.<sup>148</sup>

### Selection stage

Many more refugees seek resettlement than are actually successful in achieving it. Refugees were found to have a variety of explanations for why some refugees are successful and others are not, or why some refugees go through the selection process and depart within a relatively short space of time while others can wait for a number of years. Some Oromo refugees in Nairobi noted that those who fled Ethiopia with documentation that proved their persecution had a better chance of being resettled,<sup>149</sup> although one who had formerly worked for an Oromo rights organisation and claimed to have carried documents had waited over ten years for resettlement, and attributed this to being received by national staff as opposed to international staff at UNHCR.<sup>150</sup> Some of the Oromo refugees interviewed in Nairobi were known by Oromo rights activist Dr. Trueman, who had highlighted their individual cases to UNHCR and recommended them for resettlement.<sup>151</sup>

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<sup>144</sup> Abdullahi, interviewed Nairobi, 26 July 2012.

<sup>145</sup> Zahra, interviewed Kakuma, 23 September 2012.

<sup>146</sup> Angelina, interviewed Nairobi, 13 August 2012; James, interviewed Nairobi, 27 August 2012; Daniel, interviewed Nairobi, 27 August 2012; Sam, interviewed Nairobi, 27 August 2012; Esther, interviewed Nairobi, 27 August 2012.

<sup>147</sup> Sam, interviewed Nairobi, 27 August 2012.

<sup>148</sup> Saida, interviewed Nairobi, 26 July 2012.

<sup>149</sup> Abdikadir, interviewed Nairobi, 16 July 2012; Galgallo, interviewed Nairobi, 16 July 2012; Hussein, interviewed Nairobi, 17 July 2012; Malik, interviewed Nairobi, 17 July 2012.

<sup>150</sup> Ibrahim, interviewed Nairobi, 17 July 2012.

<sup>151</sup> Said, interviewed Nairobi, 21 July 2012; Galgallo, interviewed Nairobi, 16 July 2012; Ibrahim, interviewed Nairobi, 17 July 2012.

A number of informants also explained selection and rejection of refugees as occurring unfairly. Unfairness was explained in a number of ways. Some refugees suggested that resettlement occurs arbitrarily and that selection was largely based on chance or luck.<sup>152</sup> This was often expressed in relation to the officer one was received by; refugees in Kakuma in particular claimed that national staff were less sympathetic or willing to help refugees than international staff, sometimes because Kenyan staff were jealous of refugees' resettlement opportunities and would thus sabotage their cases.<sup>153</sup> Unfairness was also articulated as being because UNHCR and resettlement countries favoured particular nationalities or tribes. This was particularly strongly articulated by informants in Kakuma; because of the proximity in which refugees live and the visibility of resettlement, refugees are acutely aware of who is and who is not being resettled – the majority of informants commented that the U.K. only wanted Oromo refugees, for example.<sup>154</sup> In Nairobi, such comments were less common, though a number of Congolese Banyamulenge said that they felt that UNHCR and resettlement countries were biased against them since they tended to select other nationalities and even Congolese tribes.<sup>155</sup> Favoursing certain ethnic groups was often accounted for by South Sudanese and Ethiopian Nuer refugees as being racist; informants pointed out that 'brown' refugees such as Oromo and Somalis were being resettled but 'black' refugees were not, even if, like the Ethiopian Nuer, they shared the same nationality with those who were being resettled, like the Oromo.<sup>156</sup> Some informants asserted that other refugees bought or stole other people's resettlement places, especially in the camps, including people's 'forms'.<sup>157</sup> Camp informants also commented that some refugees fake situations of insecurity,<sup>158</sup> or would change their ethnicity strategically having observed that certain ethnic groups were more favoured than others.<sup>159</sup> Some refugees also cited mistrust of UNHCR,<sup>160</sup> or suspicion of corruption within the organisation, as being behind resettlement decisions.<sup>161</sup> An Oromo informant in Kakuma presented me with a newspaper article from 2008 entitled 'Kenyans fall prey to refugee registration scam', describing how Kenyan Somalis were posing as Ethiopian refugees in order to be resettled. Annotated underneath the text was written "UNHCR is the most corrupt organisation in the world. By a mistreated refugee".<sup>162</sup> Two Oromo refugees mentioned that they had even come to

<sup>152</sup> Joseph [Congolese], interviewed Nairobi, 28 August 2012; Fatuma [Somali], interviewed Nairobi, 11 August 2012.

<sup>153</sup> Hassan [Somali], interviewed Kakuma, 19 September 2012; Arthur [South Sudanese Dinka], interviewed Kakuma, 20 September 2012; Nicholas [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Julius [Amhara], interviewed Kakuma, 21 September 2012.

<sup>154</sup> Hassan [Somali], interviewed Kakuma, 19 September 2012; Joyce [Burundian], interviewed Kakuma, 19 September 2012; Lam [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; John [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Michael [Ethiopian Nuer], interviewed 20 September 2012; Nicholas [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Stephen [South Sudanese Nuer], interviewed Kakuma, 20 September 2012; Julius [Amhara], interviewed Kakuma, 21 September 2012.

<sup>155</sup> Andre, interviewed Nairobi, 21 August 2012; Juliet, interviewed Nairobi, 22 August 2012.

<sup>156</sup> Lam [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Nicholas [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; John [Ethiopian Nuer], interviewed Kakuma, 20 September 2012; Joshua [South Sudanese Dinka], interviewed Kakuma, 20 September 2012. South Sudanese in Kakuma claimed to feel that UNHCR's racism was a more logical explanation for South Sudanese being excluded from group resettlement programmes than the official explanation – i.e. South Sudan's independence.

<sup>157</sup> Leila and Mohamed [Somali], interviewed Nairobi, 27 July 2012; Yusuf [Somali], interviewed Nairobi, 28 July 2012; Sagale [Somali], interviewed Nairobi, 28 July 2012; James [South Sudanese Dinka], interviewed Nairobi, 27 August 2012.

<sup>158</sup> Discussion with Dinka refugees, Kakuma, 20 September 2012.

<sup>159</sup> Stephen [South Sudanese Nuer], interviewed Kakuma, 20 September 2012; Jilo [Oromo], interviewed Kakuma, 21 September 2012; Yusuf [Somali Bantu], interviewed Nairobi, 28 July 2012.

<sup>160</sup> Abdikadir [Oromo], interviewed Nairobi, 16 July 2012; Malik [Oromo], interviewed Nairobi, 17 July 2012;

<sup>161</sup> Adan [Oromo], interviewed Nairobi, 21 July 2012; Jarso [Oromo], interviewed Kakuma, 21 September 2012.

<sup>162</sup> Jarso, interviewed Kakuma, 21 September 2012.



suspect some staff at UNHCR to be agents of the Ethiopian government.<sup>163</sup> South Sudanese Dinka refugees expressed suspicion that the Lost Boys resettlement programme was halted before completion because 9/11 occurred when U.S. immigration officers were carrying out a mission in the camp; the events in New York caused them to leave and they never came back.<sup>164</sup>

These explanations, although seemingly irrational, do not arise out of nowhere, although I should add that this does not mean they are accurate reflections of the way UNHCR operates in Kakuma or Nairobi. Especially for the Oromo, a history of persecution may lead refugees to mistrust and be paranoid about the activities of all authorities.<sup>165</sup> Similarly, for South Sudanese and Ethiopian Nuer who have come from countries where their people have been discriminated against racially, it is understandable that these refugees would make sense of their apparent unfair treatment through the frame of race. In addition, many refugees have come from contexts where corruption is part of everyday business, and so to suspect agencies of engaging in corrupt activities around resettlement is quite rational. Accusations that national staff are more likely to behave corruptly than international staff may be because corruption is assumed to be more prevalent on the continent than in the global North. Corruption accusations may also be a legacy of the resettlement scandal of 2000. In addition, a general perception of UNHCR as working against refugees may be fostered by its role around RSD; from arrival in Kenya, asylum seekers are interviewed and their claims questioned and judged by UNHCR.<sup>166</sup> This goes some way towards explaining why UNHCR may receive such strong criticism from refugees as compared to implementing partners, which are able to focus their time and resources on supporting refugees as opposed to determining whether they qualify to receive their support or not. Accusations of corruption, inhumanity and mistreatment by UNHCR are used by refugees to make sense of the often frustratingly slow processes they undergo with the agency, not only for those who have resettlement cases but also for those who are seeking the most essential protection tool and prerequisite to resettlement, the mandate.

### **Resettlement interviews stage**

Most refugees commented that the resettlement interview with UNHCR was much like that of RSD, mainly exploring the reason for flight, but with additional questions around challenges faced in Kenya. In Kakuma especially, a number of refugees commented that they had been called for the same interview on more than one occasion, where they were asked the same questions, likely because there were some inconsistencies or contradictions in their accounts that UNHCR needed to verify. For refugees in Nairobi, this can be stressful financially, since they may have to pay public transport costs in order to attend multiple interviews. A couple of informants noted, with reference to both the RSD process and resettlement interviews, that it was natural that their stories would be inconsistent considering the trauma they had been through and the time that had passed since they fled their countries of origin, and that UNHCR should be more mindful of this.<sup>167</sup> One Oromo informant in Nairobi commented that within his community it was popularly felt that interviews with UNHCR and resettlement countries actively tried to catch them out, especially when it came to questions around OLF support.<sup>168</sup>

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<sup>163</sup> Hussein, interviewed Nairobi, 17 July 2012; Ibrahim, interviewed Nairobi, 17 July 2012.

<sup>164</sup> Dinka group discussion, Kakuma, 20 September 2012.

<sup>165</sup> This point is made with regards to the Oromo context in Trueman (2010).

<sup>166</sup> Konzolo, 2010: 11.

<sup>167</sup> Gufu [Oromo], interviewed Kakuma, 21 September 2012; Jonathan [Congolese], interviewed Kakuma, 21 September 2012.

<sup>168</sup> Galgallo, interviewed Nairobi, 16 July 2012.

Congolese Banyamulenge refugees in Nairobi expressed concern that during interviews with UNHCR (for both RSD and resettlement) and resettlement countries their stories were not being accurately translated; interpreters tend to be Rwandan Kinyarwanda or Kirundi speakers, languages which are closely related but not identical to the Banyamulenge mother tongue – Kinyamulenge.<sup>169</sup> One informant was rejected resettlement to a country<sup>170</sup> following his interview, and felt that this was because of inaccurate translation; the interview with UNHCR was conducted in Kiswahili,<sup>171</sup> and went well, but during the interview with the resettlement country officers the interviewer responded badly, even though he gave the same account as in the interview with UNHCR.<sup>172</sup>

### Pending cases

A significant number of refugees had had an initial resettlement interview with UNHCR but then had not received any feedback for many months, or even years.<sup>173</sup> In such situations, refugees are able to enquire about the status of their cases at field post, though some reported receiving contradictory information from caseworkers.<sup>174</sup> One informant mentioned that one week he would be told that there was ‘backlog’, another time that his case was ‘pending’, and not fully understanding the meaning of these terms.<sup>175</sup> Where informants’ cases were pending, three in Kakuma asserted that UNHCR should just come out and tell them what the problem was, expressing the psychological and practical difficulties of living in limbo.<sup>176</sup> One informant said that she felt that UNHCR’s claim that her family’s case was at ‘panel’ was an attempt to fob them off, and that she’d rather they just told them directly whether they were successful or not.<sup>177</sup> Another described how he had felt unable to make any future plans or travel out of the camp because it was possible that he might be called for an interview. In his opinion, UNHCR kept refugees in limbo because they were afraid to upset them by telling them the truth: that they had been rejected for resettlement.<sup>178</sup> Two informants were critical of field post, expressing suspicion that it was established simply to keep refugees away from the UNHCR compound and deceive any visitors to the camp that everything was in order.<sup>179</sup> For refugees whose cases have moved beyond UNHCR’s assessment and selection process, queries about their cases may not be answerable at field post, as the cases are now with the countries of resettlement to which they have been referred.

<sup>169</sup> David, interviewed Nairobi, 21 August 2012; Andre, interviewed Nairobi, 21 August 2012; Juliet, interviewed Nairobi, 22 August 2012. One Burundian Tutsi informant in Nairobi also suggested that she was rejected the mandate when she first came to Kenya because of a problem with the interpreter. Sarah, interviewed Nairobi, 21 August 2012.

<sup>170</sup> The country will not be mentioned for confidentiality reasons as requested by the informant.

<sup>171</sup> Some Congolese refugees speak Kiswahili, though Congolese Kiswahili is distinctive from Kenyan Kiswahili.

<sup>172</sup> David, interviewed Nairobi, 21 August 2012.

<sup>173</sup> Joyce [Burundian], interviewed Kakuma, 19 September 2012; Thomas [Burundian], interviewed Kakuma, 19 September 2012; Elias [Oromo], interviewed Kakuma, 21 September 2012; Jilo [Oromo], interviewed Kakuma, 21 September 2012; Ahmed [Oromo], interviewed Kakuma, 22 September 2012; Zahra [Somali], interviewed Kakuma, 23 September 2012; Julius [Amhara], interviewed Kakuma, 21 September 2012; Juliet [Congolese], interviewed Nairobi, 22 August 2012.

<sup>174</sup> Thomas [Burundian], interviewed Kakuma, 19 September 2012; Gufu [Oromo], interviewed Kakuma, 21 September 2012; Elias [Oromo], interviewed Kakuma, 21 September 2012; Jilo [Oromo], interviewed Kakuma, 21 September 2012; Jarso [Oromo], interviewed Kakuma, 21 September 2012; Ann [South Sudanese Dinka], interviewed Kakuma, 20 September 2012; Abdi [Somali], interviewed Kakuma, 19 September 2012.

<sup>175</sup> Gufu [Oromo], interviewed Kakuma, 21 September 2012.

<sup>176</sup> Such comments were also made with regards to decisions about the mandate.

<sup>177</sup> Zahra [Somali], interviewed Kakuma, 23 September 2012.

<sup>178</sup> Thomas [Burundian], interviewed Kakuma, 19 September 2012.

<sup>179</sup> Jilo [Oromo], interviewed Kakuma, 21 September 2012; Jarso [Oromo], interviewed Kakuma, 21 September 2012.

A number of refugees who had gone through interviews with RSC and INS had waited for long periods of time without any information about their cases,<sup>180</sup> as UNHCR was not always able to inform them of the status of their cases. Only one informant mentioned communicating with INS via email with the help of an English speaker from his community.<sup>181</sup> For refugees referred by UNHCR to European countries, acceptance is more likely and if they are unsuccessful, refugees are informed within a short space of time. That said, one informant who had been recommended for resettlement to the Netherlands was not called for interview, which implies that his case was rejected by the Netherlands at the initial screening stage. He expressed anger and frustration to have seen others be interviewed without being informed why he was not called himself. He claimed to have enquired with UNHCR about this without receiving an answer.<sup>182</sup>

A number of other informants felt, or had been informed by UNHCR, that their complex family situations were causing their cases to be put on hold.<sup>183</sup> Many refugees have come from contexts whereby orphaned or abandoned children are absorbed into other family units, whether these are part of extended family configurations or wider clan networks. These tend not to be recognised by UNHCR or countries of resettlement as constituting genuine families, which require further investigations to prove their authenticity. One young Oromo woman in Kakuma reported registering with another family on arrival having lost her own, since to live alone, especially as a young woman, would not be advisable or culturally acceptable.<sup>184</sup> Later, when it came to being referred for resettlement based on the family's year of arrival, when it became apparent that she was not related to the family she registered with, the case was put on hold. Another informant, a Somali woman, came to Kenya with the family of her father's second wife (whom she called mother as she lost her mother when she was very young) after her father was killed in Somalia. The family successfully went through the interview process with UNHCR and were referred on to RSC, but then stalled at the DNA test with INS which showed that she was not biologically related to her 'mother'. The family departed for the U.S. without her and she remains in the camp.<sup>185</sup>

### Experiences of those being resettled

Those informants who had been accepted for resettlement by European countries generally reported positive experiences during interviews which were conducted in a friendly and relaxed manner. They also had a clear sense of the timeframe ahead of them in the build-up to resettlement. Abdikadir, for example, an Oromo refugee in Nairobi awaiting resettlement to the Netherlands, recounted to me the dates of the three cultural orientation sessions (one of which he had already participated in), the content that they would cover in these sessions and the month of his departure.<sup>186</sup> Those going through the resettlement process to the U.S. generally were less clear on the process ahead of them as a result of the long security checks on their cases. Two refugees had gone through medical checks and cultural orientation without having any real idea of when they might actually depart, and expressed some doubt as to whether this would actually ever happen. This situation of limbo was expressed to be psychologically very difficult. Of the few refugees who were interviewed who were expecting

<sup>180</sup> Suleiman [Oromo], interviewed Kakuma, 21 September 2012; Ahmed [Oromo], interviewed Kakuma, 22 September 2012; Muslima [Oromo], interviewed Kakuma, 22 September 2012; Kadija [Somali], interviewed Kakuma, 19 September 2012; Asha [Somali], interviewed Nairobi, 25 July 2012; Sagale [Somali], interviewed Nairobi, 28 July 2012.

<sup>181</sup> Ahmed [Oromo], interviewed Kakuma, 22 September 2012.

<sup>182</sup> Abdi [Oromo], interviewed Kakuma, 22 September 2012.

<sup>183</sup> Elias [Oromo], interviewed Kakuma, 21 September 2012; Amina [Oromo], interviewed Kakuma, 21 September 2012; Sahara [Oromo], interviewed Kakuma, 22 September 2012; Kadija [Somali], interviewed Kakuma, 19 September 2012; Angela [Congolese], interviewed Nairobi, 28 July 2012.

<sup>184</sup> Amina, interviewed Kakuma, 21 September 2012.

<sup>185</sup> Kadija, interviewed Kakuma, 19 September 2012.

<sup>186</sup> Abdikadir, interviewed Nairobi, 16 July 2012.

imminent departure, none suggested that they were especially more entitled to resettlement than others, and my impression was that there was a sense that some refugees are lucky and some are not, and that the system largely remains unfair.

## 7. Conclusions And Recommendations

Refugee resettlement from Kenya is a complex operation, involving multiple actors and checks and balances in order to minimise corruption and fraud opportunities and ensure that the most vulnerable refugees are resettled. Because resettlement is so desired by refugees, in part the result of romantic notions of life in the west which have become more tangible through new communications technologies and compounded by the visibility of resettlement (in the camps especially), resettlement actors are engaged in a constant battle to maintain the credibility of their referrals to third countries whilst refugees adapt to changing policies and adjust their resettlement or protection claims accordingly. This results in a culture of disbelief within agencies and policies around resettlement which are experienced by refugees as stringent and draconian, explained and made sense of in multiple ways, including unfairness, bias and corruption.

Refugees might benefit from clearer communication around the statuses of their cases, especially in situations where they are pending for long periods. Although it is understandable that UNHCR and resettlement countries would not communicate the reasons for refugees being rejected resettlement for purposes of keeping selection criteria secret (so that refugees are not able to mould their cases to these criteria), not knowing why one was rejected, especially after the stress of going through multiple interviews, and the resulting lack of closure can be traumatic for refugees. Similarly, where refugees are screened out when UNHCR submits the RRFs to a country, they might benefit from being informed of the fact, and advised of why they were not selected for interview. UNHCR and resettlement countries ought to have high standards when it comes to selecting interpreters and be mindful of Congolese refugees' (especially Banyamulenge) concerns around translation, ensuring that appropriate interpreters are employed.

For refugees and asylum seekers in Nairobi, support with transport costs to multiple interviews for both RSD and resettlement would ease the financial pressures on refugees, especially during the period they await the mandate when they are not entitled to other forms of support from UNHCR or implementing partners.<sup>187</sup> Urban refugees could also benefit should UNHCR establish field offices in enclaves where numerous refugees reside in which RSD and resettlement interviews could be conducted.

European countries play an important role in Kenya's resettlement landscape, resettling refugees from nationalities which may not be considered by bigger resettlement actors and making provisions for emergency and dossier referrals. European countries should increase quotas for emergency and dossier referrals in order to meet the resettlement needs of refugees in acute insecurity and medical situations. European countries coordinating and spacing their missions throughout the year would enable UNHCR to spread its attention more evenly between resettlement countries and avoid having to channel all of its resources into meeting the resettlement requirements of European countries at the beginning of the year to the detriment of larger resettlement actors. If European countries coordinated their missions together, sending a mixed team from various countries two to three times a year, UNHCR's preparation for and hosting of these missions would be more time and cost-effective.<sup>188</sup> European countries would also make IOM's work easier to plan and manage should they provide more notice on the numbers they intend to resettle each year.

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<sup>187</sup> An exception is Jesuit Relief Services' (JRS) food aid to newly arrived asylum seekers.

<sup>188</sup> Interview with Refuge Point, 24 July 2012.

UNHCR and implementing agencies would also benefit from more standardised policies of European countries; as it stands, countries each have their own policies and requirements, and meeting them can prove cumbersome, especially due to the small numbers of refugees that these countries resettle and the relatively little funding they provide for these numbers, which is often subject to change. UNHCR would save significant time and resources should there be an agreement between all resettlement actors about what information is required in the RRF; currently, UNHCR completes all forms with the maximum information required since it is not always clear which countries these forms will be submitted to. Information on the political situation in refugees' countries of origin, for example, could probably be removed from the form, since all countries have information and publications on these countries from their own foreign offices. UNHCR would also benefit from more notice from European countries about their resettlement numbers and the dates of their missions in order to target the RRFs more effectively, tailoring each to the needs of the country of submission.<sup>189</sup> In order to assist UNHCR with its human resources issue, European countries could share a small clerical office in Nairobi with a Kenyan team through which to channel RRFs, coordinate selection missions and arrange interviews. This would be more cost-effective than employing UNHCR staff, who are often overqualified for this kind of work.<sup>190</sup> Standardised medical procedures would also help to reduce the risk of outbreaks, complications in flight and health problems on arrival.

European countries might benefit from sharing best practices on resettlement, including on how to conduct missions and on cultural orientation programming. Countries could learn from each other by sending personnel to shadow other countries' resettlement missions in Kenya and cultural orientation classes. This would also apply to countries which currently do not regularly resettle refugees, or at least do not currently carry out selection missions in Kenya.

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<sup>189</sup> Interview with Refugee Coordinator, U.S. State Department PRM, Nairobi, 11 September 2012.

<sup>190</sup> Interview with Refugee Coordinator, U.S. State Department PRM, Nairobi, 11 September 2012.

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## Annex 1. Refugee population in Kenya according to location, 2007-2012

REFUGEES AND ASYLUM SEEKERS IN KENYA BY COUNTRY OF ORIGIN AND LOCATION																					
August 2012																					
Country of Origin	2008				2009				2010				2011				2012				
	Dadaab	Kakuma	Nairobi	Total	Dadaab	Kakuma	Nairobi	Total	Dadaab	Kakuma	Nairobi	Total	Dadaab	Kakuma	Nairobi	Total	Alinjugur	Dadaab	Kakuma	Nairobi	Total
Somalia	226,060	18,537	14,524	259,121	252,214	38,133	20,111	310,458	285,799	43,980	23,429	353,208	443,956	45,342	30,113	519,411	151,758	302,072	48,167	33,321	535,318
Ethiopia	8,511	4,698	9,440	22,649	13,728	5,613	12,257	31,598	16,155	6,180	12,974	35,309	18,123	5,581	11,416	35,120	3,860	15,099	6,106	10,808	35,873
Sudan	635	25,723	2,138	28,496	590	18,409	2,224	21,223	796	25,579	623	26,998	1,001	26,818	521	28,340	2	967	4,651	432	6,052
DR Congo	51	898	1,978	2,927	63	1,366	4,598	6,027	74	3,582	5,477	9,133	92	4,933	6,391	11,416	-	118	5,725	6,899	12,742
Rwanda	26	357	2,141	2,524	19	345	2,266	2,630	20	395	1,531	1,946	19	435	1,413	1,867	1	17	494	1,271	1,783
Eritrea	77	64	638	779	79	94	1,158	1,331	59	112	1,515	1,686	56	105	1,659	1,820	-	50	105	1,825	1,980
Burundi	14	224	1,075	1,313	17	373	1,202	1,592	88	803	605	1,496	91	2,032	577	2,700	-	83	3,151	574	3,808
South Sudan	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	35	32,055	56	32,146
Uganda	75	401	2,313	2,789	60	448	2,433	2,941	57	507	370	934	69	570	271	910	4	76	690	271	1,041
Other	6	3	2	11	9	9	67	85	9	69	83	161	20	46	111	177	-	12	47	124	183
Total	235,455	50,905	34,249	320,609	266,779	64,790	46,316	377,885	303,057	81,207	46,607	430,871	463,427	85,862	52,472	601,761	155,625	318,529	101,191	55,581	630,926

Source: UNHCR, 2012a

**Annex 2. Refugees submitted for resettlement, 2007-2012**

RESETTLEMENT SUBMISSION BY COUNTRY OF ORIGIN - August 2012							
Country of Origin	2007	2008	2009	2010	2011	2012	Total
Somalia	4,549	6,199	9,552	8,143	8,439	1,368	38,250
Ethiopia	521	673	940	752	1,617	598	5,101
Sudan	61	130	198	602	175	36	1,202
DR Congo	31	173	90	223	218	134	869
Eritrea	33	73	63	67	25	13	274
Uganda	6	14	2	13	13	5	53
Burundi	23	106	22	15	17	17	200
Rwanda	18	6	28	45	13	9	119
Other	4	1	9	18	1	30	63
Total	5,246	7,375	10,904	9,878	10,518	2,210	46,131

RESETTLEMENT SUBMISSION BY COUNTRY OF RESETTLEMENT - August 2012							
Country of Submission	2007	2008	2009	2010	2011	2012	Total
United States	4,487	6,239	10,264	8,463	8,849	681	38,983
Australia	118	501	271	595	281	16	1,782
Canada	364	596	161	23	129	560	1,833
United Kingdom	166	1	8	280	657	246	1,358
Sweden	-	-	-	352	391	382	1,125
Netherlands	72	1	133	8	109	109	432
Denmark	-	1	2	132	6	4	145
Norway	14	-	15	16	72	204	321
Other	25	36	50	9	24	8	152
Total	5,246	7,375	10,904	9,878	10,518	2,210	46,131

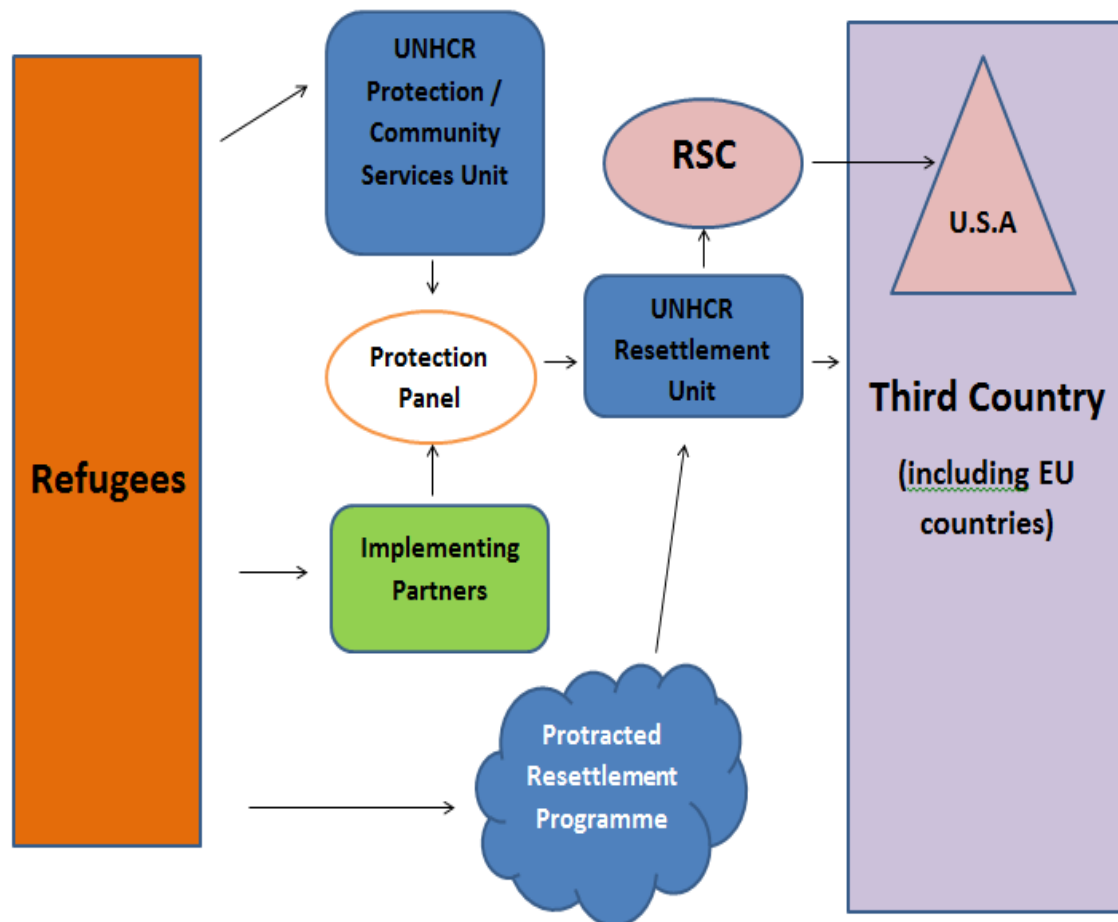
Source: UNHCR, 2012<sup>a</sup>**Annex 3. Refugees departing for resettlement, 2007-2012**

RESETTLEMENT DEPARTURES BY COUNTRY OF ORIGIN							
Country of Origin	2007	2008	2009	2010	2011	2012(*)	Total
Somalia	4,798	2,417	3,621	2,776	2,102	836	16,550
Sudan	526	340	101	103	213	65	1,348
Ethiopia	1,021	824	475	606	906	355	4,187
Rwanda	54	58	18	44	35	10	219
Uganda	54	55	16	13	7	7	152
Congo	-	173	175	179	234	51	812
Burundi	7	56	42	6	35	10	156
Eritrea	47	66	40	39	48	6	246
Other	-	-	1	7	1	3	12
Total	6,507	3,989	4,489	3,773	3,581	1,343	23,682

RESETTLEMENT DEPARTURES BY COUNTRY OF RESETTLEMENT							
Country of Resettlement	2007	2008	2009	2010	2011	2012(*)	Total
USA	5,196	2,384	3,687	2,783	2,083	844	16,977
Canada	787	829	246	280	541	108	2,791
Australia	513	527	450	183	182	70	1,925
Sweden	3	10	29	327	329	15	713
United Kingdom	-	-	15	199	208	290	712
Netherlands	-	37	44	-	81	-	162
Norway	-	4	-	-	58	5	67
New Zealand	-	-	15	-	10	-	25
Other	8	198	3	1	89	11	310
Total	6,507	3,989	4,489	3,773	3,581	1,343	23,682

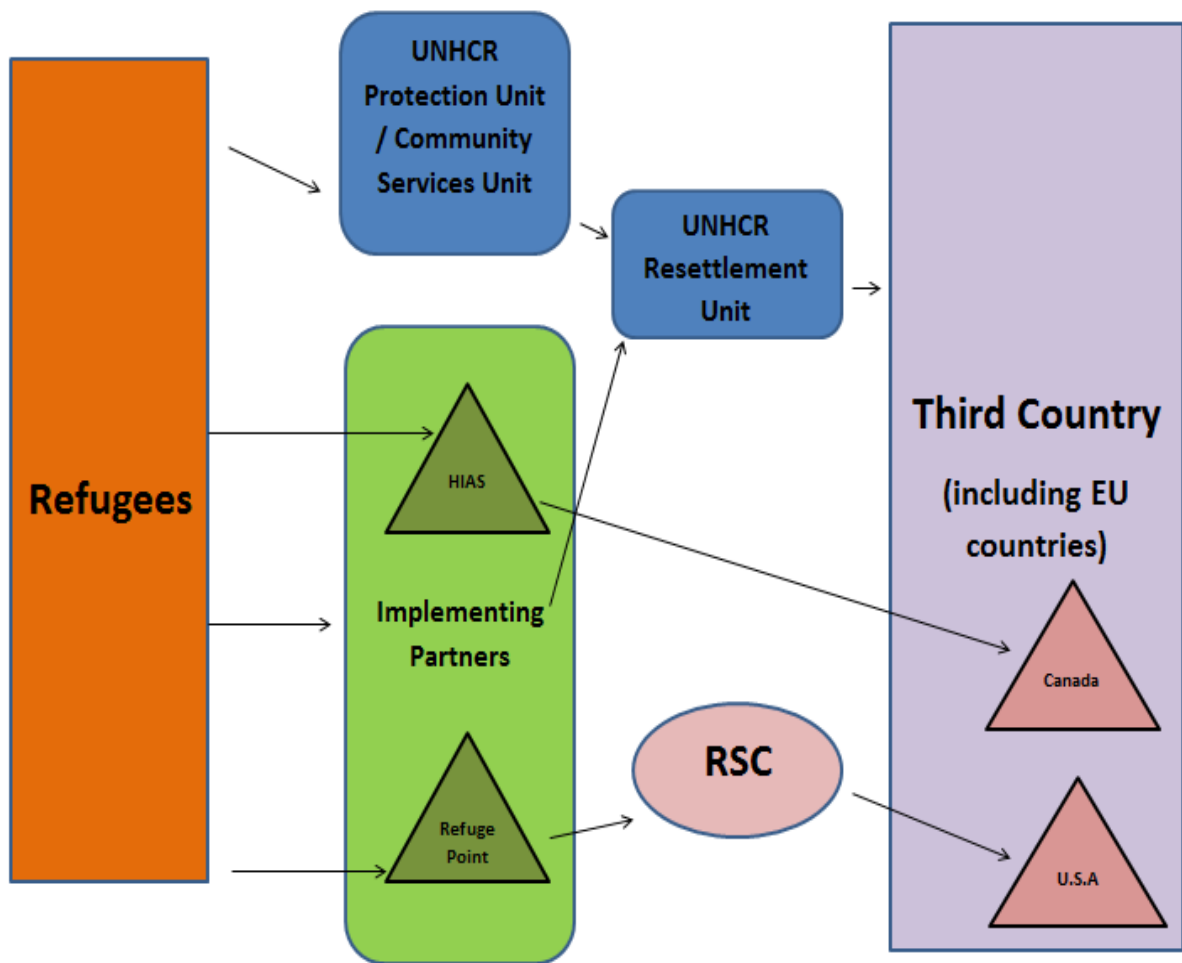
Source: UNHCR, 2012a

#### Annex 4. Kakuma refugees: paths to resettlement



Source: The author

## Annex 5. Urban refugees: paths to resettlement



## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***Refugee Resettlement from Pakistan: Findings from Afghan Refugee Camps in the North-West Frontier Province (NWFP)***

**Ilyas Chattha**

KNOW RESET Research Report 2013/01

*Country of First Asylum Report*

**KNOW RESET**  
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## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project: <http://www.know-reset.eu/>

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## **Abbreviations**

HRCP	Human Rights Commission of Pakistan
IOM	International Organisation for Migration
JERP	Joint European Resettlement Programme
NOC	NO Objection Certificate
NWFP	North-West Frontier Province
PoRs	Proof of Registration Cards
RRF	Refugee Referral Form
RCA	Refugee Consideration Assessment
SPC	Serious Protection Concerns
SACH	Struggle for Change
SSAR	Solutions Strategy for Afghan Returnees
UNHCR	United Nations High Commissioner for Refugees
USRSP	United States Refugee Resettlement Programme
VRP	Voluntary Repatriation Programme

## **Abstract**

This report surveys Afghan refugee resettlement from Pakistan for the Know Reset Project in order to better understand the processes and practices of the refugee populations' resettlement in EU member states. This involved interviews with various agencies working with refugees as well as with individual refugees. The collected source material explains how the Afghan refugee community, living in different localities in Pakistan, are informed about resettlement policies, and how refugees are identified and selected and what Afghan refugee groups, if any, are given priorities in the resettlement processes. The report also examines the role played by local, national and international agencies, such as UNHCR, Pakistan-based NGOs, including SACH (Struggle for Change), Sharp (Society for Human Rights and Prisoners Aid), the Human Rights Commission of Pakistan (HRCPP) and the International Organization of Migration (IOM). More specifically we examined these organizations as they identified, registered and selected refugees for resettlement. The report also considers how information about resettlement is disseminated to Afghan refugees in "refugee villages", camps or places; how the refugees are subsequently identified and chosen for resettlement; and how they are assisted in submitting applications and obtaining security clearance from the Pakistan Interior and Foreign Affairs departments. We then asked how submissions are then forwarded to the individual EU countries for resettlement and what selection and scrutiny measures, if any, are adopted by the resettlement countries. Finally, the report looks at the responses and reactions of the Pakistani government in the resettlement of Afghan refugees in Europe and beyond. The findings not only add to the empirical knowledge of resettlement in Pakistan, but offer data to improve the efficiency of resettlement schemes in individual EU member states.

## **Introduction**

### **1. Definition**

Resettlement is one of three durable solutions – the other two being voluntary repatriation and local integration – which is offered to refugees who have sought protection in a country where local integration is not an option, and to those who cannot return to their home country.

### **2. Methodology**

This report relies heavily on oral testimonials. These are drawn from interviews with individual Afghan refugees in need of resettlement and the involved actors and partners. Interviews with representatives of UNHCR and members of NGOs were conducted in Islamabad. The interviews with individual refugees and their spokesmen were conducted at different locations at the refugee camps, which are locally called “refugee villages”. More specifically, these were the Khazna Camp, Haji Camp, Lucky Marwat Camp and UNHCR’s voluntary repatriation centre at Hayatabad in the city of Peshawar in NWFP. All together 25 interviews were conducted that ranged from twenty minutes to more than an hour: 15 interviews were conducted with individual Afghan refugees and their headmen; 3 in the Lucky Marwat “refugee village”; 4 in the Khazana Camp; 3 in the Haji camp; and 5 in the Hayatabad camp. 4 extensive interviews were conducted with UNHCR representatives and 3 with the members of NGOs in Islamabad. 2 interviews were conducted with local interpreters, who worked in the Afghan refugee camps and 2 other interviews were conducted with local journalists who were based in the city of Peshawar, and one long interview was conducted with an academic, who is an expert on the impact of Afghan refugees in Pakistan. In addition, a number of informal discussions were held with the directors and staff of IOM and HRCP. A number of “semi-structured” interviews were conducted with the authorities of the Pakistan Interior and Foreign Affairs ministries in Islamabad, as well as with individual local doctors, journalists and the local UN staff, who have been working with refugee communities at the grassroots level. In addition, archival source material was also consulted in the “record rooms” of Pakistan’s Foreign Affairs and Interior departments concerning the complicated and lengthy security checks and clearance for the refugees selected for resettlement. This is referred to officially as the NOC (No Objection Certificate).

As we shall see, the collected source material has not only provided life and migration histories of refugee respondents. It has helped us to understand the socio-economic and the physical and cognitive experiences of refugees as they apply for resettlement, more broadly. The interviews looked for insights into refugee orientation, awareness and concerns about resettlement in EU member states. The focus was on different sets of refugees, their experiences of integration in Pakistan and on the practice of repatriation, as well as on their fears about deportation and registration and selection processes for resettlement. Source material reveals refugees’ intentions, aspirations and decisions for resettlement and consequent preparations. A volunteer Pashtun journalist was engaged in fieldwork research in Peshawar, not only to access “refugee villages”, but also for translation purposes. Names of respondents have been concealed in this report in order to protect their identities. With respect to placenames such as the North-West Frontier Province (NWFP), I have given the old name, rather than the new one, Khyber Pakhtunkhwa.

It is necessary to point out at the outset, that there was a great difficulty in getting access to the Afghan “refugee villages”, because of growing security concerns. It was almost impossible to interview female Afghan refugees who, at present, make up many of the refugees, as we shall shortly see. The figures mentioned in this report are, perforce, based on the information available in the conducted interviews. They neither cover the entire spectrum of resettlement from Pakistan, nor the fuller

experience of the Afghan refugee community. This is especially true in relation to information about victimisation and “women at risk” because it proved difficult to record their voices and experiences.

There are also problems concerning the “biases” in the collected source material. Individuals sometimes exaggerate experiences for reasons of resettlement and NGOs toned down criticism towards the Pakistani state authorities and the representatives of UNHCR. It also proved difficult to get access to the UNHCR representatives in Islamabad and Peshawar for security concerns. In one case, by using every means at my disposal, it took me one week to fulfil the bureaucratic requirements to satisfy the conditions for entering Islamabad’s security “red zone” to meet up with UNHCR representatives in the city’s heavily-guarded “diplomatic enclave”. Likewise it proved difficult to approach the members of the IOM and officials from Pakistan’s Interior and Foreign Affairs ministries, in part because of deteriorating security. Despite my repeated explanations about this project and its usefulness, many respondents were reluctant to contribute. Moreover, despite my constant efforts, I got no information from EU consulates, embassies and missions in Islamabad, because of the tight security checks in the capital’s “diplomatic enclave”, where the embassies are based.

The fieldwork, then, was not straight forward. There were many problems ranging from security concerns in terms of access to female Afghan refugees to security issues in terms of survey and data collection. Moreover, to make matters worse, refugee headmen as well as the Pakistani authorities in the interior ministry were uncooperative and sceptical about the scope of the project. Before providing any information about the resettlement process, many respondents had to be convinced about the usefulness of this project. Some interviews were not easy despite repeated explanations. The UN has set up an office in Islamabad and a “field unit” in Karachi, Peshawar and Quetta, but even so approaching the members of the refugee community was not easy.

Moreover, it must be acknowledged that with this kind of a limited time-frame and with such scarce resources a fuller understanding of the entire operation of resettlement in Pakistan cannot be grasped. There are also the difficulties arising from visiting remote refugee villages and from access to Afghan refugee women, the most vulnerable section of refugee populations in Pakistan and perhaps the most in need of resettlement. Most Afghan refugees are not educated. And despite the fact that an interpreter was present at all times difficulties concerning ethnic issues, gender taboos and languages barriers proved formidable.

### 3. A Profile of Afghan Refugees in Pakistan

Pakistan has hosted the world’s largest refugee populations. The issue of Afghan refugees in Pakistan is protracted: it has now been thirty years since the first arrived. Many of these refugees were actually born and raised in Pakistan, though they are still counted as Afghan citizens. They were allowed to work, to rent houses, travel and to attend schools in the country until the end of 2012, a deadline set for the Afghan refugees to return home. Afghan refugees came to Pakistan in three distinct phases. The first and most important phase began with the Soviet invasion of 1979 and the ensuing decade-long occupation of Afghanistan (1979–1989). Following the Soviet Union’s withdrawal from Afghanistan in 1989, the lives and conditions of refugees began to change. The refugees longed for a return to their country and they began to leave in large numbers. In fact, in six months, more than one million Afghan refugees returned to their country of origin. This mass repatriation was halted, however, when the various *Mujahideen* factions began to fight for power. Then, in the last decade there has been a war against terrorists. As of October 2012, up to 1.7 million registered Afghan refugees remained in Pakistan, and another 1 million undocumented Afghans. Annex 1 shows the number of the Afghan refugees in different parts of the country. Over the years, UNHCR has assisted Afghan refugees to return through its “Voluntary Repatriation Programme”. Since 2002, around 5.7 million Afghan refugees have gone back to Afghanistan or nearly a quarter of the country’s population.

#### 4. Fieldwork Research Sites

In Pakistan, there are about 160 Afghan refugee camps or “refugee villages”. The focus of this report is the North-West Frontier Province (NWFP), the cities of Peshawar and Islamabad and their surrounding areas where different sets of Afghans reside. The Peshawar site was chosen in order to understand the experience of Afghans in the city as well as in the refugee camps and villages outside the city. According to the 2005 Census, NWFP accounted for 61.6 percent (1.88 million) of all Afghans in Pakistan, and the Peshawar district was home to the largest single concentration of this population (20.1 percent). The most important camps include Khazna Camp, Haji Camp, and Lucky Marwat Camp in NWFP. The interviews with individual refugees and their spokesmen were conducted at these locations as well as UNHCR’s voluntary repatriation centre at Hayatabad in the city of Peshawar. They were chosen for fieldwork not only because of the large concentration of Afghan refugee, but also because of the refugees’ continued fears of forced deportation to Afghanistan and police harassment on a daily basis, as most Afghan Citizenship Cards expired in early 2010. Haji Camp in Peshawar houses a small population of Hazara Shia refugees who have faced constant discrimination and persecution from the Taliban and other anti-Shia groups over the years. These refugee groups cited particular concerns due to targeted attacks on them, including forced deportations, because of their Shia ethnic identity.

Some semi-structured interviews were conducted in Nowshera’s Jalozaï camp, which was set up in 1983: over 100,000 refugees live there. Informants claimed that they faced Taliban persecution due to their ethnic or religious affiliations (e.g. Shias). More than 25,000 Afghan refugees live in Khazana Camp now one of the oldest camps in Peshawar, most are Pashtun Afghans who migrated from Afghanistan in the 1980s. Luckily Marwat Camp (refugee village) is one of the oldest and largest camps in NWFP: hundreds of thousands of Pashtun refugees live there. They have been living there over the last thirty years. Interviews with members of this group suggest that the community was not interested in returning to Afghanistan because their children were born and brought up in Pakistan. They have a relatively better quality of life as a result of establishing their own local businesses and agricultural trades. They also have access to housing, education and healthcare services, provided, for the most part, by UN and other international agencies.

#### 5. Pashtun Refugees in NWFP: A Vulnerable Community

In 2010-11, a UNHCR survey gathered information about 50 percent of registered Afghans refugees: 1.8 million live in Pakistan. The registered population living in Pakistan is 52.6 percent males and 47.4 percent females. About 85 percent of Afghans are identified as Pashtuns, hailing from the Nangarhar, Kabul, Kunduz, Logar, Paktia, Kandahar and Baghlan areas, while the rest were Uzbeks and Tajiks. The survey provided information about refugees’ family histories, regions, tribes, sects, arrival period, as well as their social-economic circumstances and medical conditions. The survey also assessed the “genuine reasons” that prevented various sections of refugees from returning to their “homeland” in Afghanistan. One important group of Afghan refugees are the Pashtuns. They are not only identified as one of the most vulnerable sections of Afghan refugee populations, but they have been living here for more than thirty years and are still counted as Afghan citizens. Informants recounted that their houses had been destroyed and that their land had been occupied by members of rival tribes. If they returned home, their lives would be in danger. The members of this community claimed that they could be attacked upon repatriation. Members of this community stated that they wanted to go back, but that they had no place to live there; their land had been occupied by the locals and revenue records had been destroyed. Some informants stated that their relatives have resettled in some EU countries, particularly in Norway, under “family reunification”.

All of the refugees interviewed in the camp were acutely aware of resettlement, while some respondents stated that they were not much interested in resettlement in Western countries. Their elders have opposed this option. In fact, they want to live with their tribal traditions and to preserve their culture

and values. They feel that they would not integrate in an EU country. Some respondents stated that they would prefer to go to a Muslim country, but there is no Muslim resettlement option. Moreover, members of Pashtun community cited that they wanted to settle in one place or in one country together. Aftab Khan, a spokesman of the Pashtun refugee populations in Lucky Marwar camp, described his community's difficulties as far as resettlement in an EU country is concerned. "We do not want our women go in Western countries. I would not send my family to Europe....We can go to resettle in a Muslim country, but there is no option for the resettlement. We may go to Muslim countries where women observe *purda* (veil)...." There were many issues in this community, including "run-away couples" and "forced marriages". There were reports that members of community had brutally killed their women who "run-away". Many members of this community were involved in Taliban activities. The community has very strict traditions. For example, women cannot go outside the "refugee village" areas. Members of NGOs, human-rights organisations and charities stated that they have little or no access to Pashtun womenfolk. An assistant director of Pakistan Human Rights Commission even stated: "If they can kill their daughters for 'running-away'; they could easily kill officials and journalists who would try to approach them". Some young members of this community indicate their intention to resettle in the EU in search of a better way of life, as some acquaintances have settled there. Few though have submitted their applications for "family reunification".

In Pakistan, these Pashtun refugees have established their "refugee villages" on the private land of local people. The Pakistani government wants them to return to Afghanistan. There is mounting pressure on the government to evict this refugee community. The provincial government faced a great deal of pressure from local populations who want their land back. Over the years, there have been many clashes over the possession of land between locals and refugees and creating law and order problems in places. Children born and raised in Pakistan often consider themselves Pakistani. A young Pashtun refugee stated: "I was born in Lucky Marwat in Pakistan in 1982; I never visited Afghanistan. I am a Pakistani...but Pakistan wants to send us to Afghanistan...in Afghanistan we have no place to live...our elders are not much interested in resettling in the US...They are too concerned about our women".

Their first preference is to return back to Afghanistan and their land there. As earlier mentioned, their houses and property in Afghanistan have though been occupied or destroyed, and they, on the other hand, have set up housing on the land of local people in NWFP. This community want to settle *en masse*. Some of the Pashtun refugees interviewed in the Lucky Marwat camp expressed their intentions to resettle. Elder members of the community are against resettlement in the EU or in the US. An assessment officer of UNHCR's resettlement programme noted that "our fieldwork workers have unsuccessfully attempted to convince the members of this community for resettlement. Elder members of the tribe are against resettlement in the Western countries". She added that they firmly believe in Pashtun traditions. In the past, many members of this community were recruited by the Taliban, though now they are not involved. But they still face rigorous security checks both in Pakistan and Afghanistan. In any case, if the Pakistan government forces them to leave the country– which seems likely in the present circumstances – the Pashtun who returned would be in real danger. Pakistan has issued Proof of Registration Cards (PoRs) to these Afghan refugees that expired 31 December 2012 and the government has not yet decided to extend these cards. While the Pakistani government seems to be determined to deport these groups, a community headman described how they came to this country 30 years ago. He also set out how their houses and properties in Afghanistan had been destroyed or occupied by rival tribes and by the Taliban. Instead, they have established their houses and businesses in Pakistan, but they have not been given citizenship. Members of this group also claimed that some refugee families were selected for resettlement and "family reunification" in Europe, Australia, Canada and the US.



## 6. Somali and Iraqi Refugees

It is worthwhile mentioning here little-studied refugee groups of Somalis and Iraqis who live in Pakistan. They altogether number several thousands. They live in very poor conditions and cannot move from one area to another. Despite my best efforts, I was not able to conduct an interview with members of these groups of refugees. A representative of the UN explained that “they could not be integrated locally in Pakistan. They are vulnerable people. The Pakistan government has confined these sections of refugees in designated areas”.

## 7. Hazara Refugees: Facing Targeted Killings

One of the most vulnerable Afghan refugee groups in Pakistan are the Hazara refugee families. Their number is about 500,000 in Pakistan, mainly in Quetta. The ethnic Hazara constituted about 18 percent of the Afghan population and they were massacred and expelled during the time of the Taliban in Afghanistan because they are Shia. In Pakistan, over the years they have faced “targeted killings” and persecution by Taliban and other anti-Shia groups, such as Lashkar-i-Jangvi. Hundreds of Hazara have been victimised in Quetta in recent years. Around 900 Hazars were reported to have been murdered, including women and children, either in suicide attacks or targeted shootings. More than 50,000 have been displaced internally. This community, as a whole, is in desperate need of protection and resettlement, as they cannot be repatriated to Afghanistan because of fear of persecution. In Pakistan this community is under attack from anti-Shia militant groups. This community is facing “ethnic cleansing”. Pakistan’s encampment policy and draconian measures to restrict the country’s refugees’ movements in the designated areas curtails opportunities for local assimilation and integration. Local integration appears not to be an envisaged or desirable solution for the government of Pakistan, which views Afghan refugees, as a burden and has made clear that the only option it sees for them is repatriation. 31 December 2012 was announced as a deadline for the voluntary repatriation of Afghan refugees from Pakistan. Moreover, repatriation of some refugee groups has been unsuccessful, because of fears for the security of their families, personal persecution, fear of the cost of building houses and a lack of work opportunities upon their arrival in Afghanistan. There were several Afghan families in the Hayatabad Camp in Peshawar who were repatriated to Afghanistan but who then returned to the camp. A returned refugee recounted his family’s return to Peshawar and how he could find neither shelter nor livelihood in Afghanistan.

Given the circumstances, resettlement is thus an important option for international protection as well as a durable solution for some sections of refugee groups in Pakistan, when other two durable solutions, repatriation and local integration, is not practical. In 2011, UNHCR named Pakistan “refugee top priority”. As mentioned above, the Pakistan government has threatened it will close registration for repatriation by 31 December 2012, making it clear that it would treat all Afghan refugees as “illegal immigrants” after the expiry of their PoR. Of the three durable solutions, then, resettlement is apparently the only real option for some sections of the refugee population in Pakistan. However, owing to the very limited number of resettlements from Pakistan this opportunity is realistically just on offer for a fraction of the 1.8 million Afghan refugees in Pakistan.

## The Resettlement Process in Pakistan

Most Afghan refugees in Pakistan are unaware of the resettlement scheme. The interviews with individual refugees and the discussions with UNHCR members confirmed this. All the refugees who were interviewed in Khazan camps in Peshawar were not aware of the option of resettlement from Pakistan. The case was much the same in other camps, though some well-informed and educated young men in the Lucky Marwat camp were aware of resettlement as well as those individual refugees whose relatives and acquaintances had been selected for this process. In reality, UNHCR little advertises the opportunity of resettlement. Instead, the agency widely advertises repatriation to

Afghanistan, highlighting the deadline set by the Pakistan government. The UNHCR Resettlement officer in Islamabad claimed about 2000 refugees resettled in 2011 from the 1.8 million registered refugees in Pakistan.

In Pakistan, the process of identification for individual refugees for the resettlement programme is complex. It requires detailed knowledge and documentation of Afghan refugee populations and of their specific needs and vulnerabilities. As it is an indirect and a complicated process, it requires the help of community headmen, members of NGOs and the local staff of UNHCR. As I gathered, through observations, and interviews, selection for resettlement varies greatly and depends on individual case and situations. In some cases, the identification for refugees in need of resettlement comes down to community leaders, UN's local officials and most importantly those doctors/medical officers who are involved in the treatment of refugee populations at the grassroots level. In other cases, when the local newspapers highlighted the danger to those journalists and interpreters who worked for the refugee community, some registrations were made for resettlement. In this way, about 4000 individuals were registered for the resettlement process in the first half of 2012. While most refugees are referred by members of NGOs, local journalists and the local UN staff, the selection process for resettlement mainly depends on UNHCR's Refugee Consideration Assessment (RCA). In this process the social and economic condition of refugees are considered, alongside their difficulties in local integration and refugees' repatriation to Afghanistan. The following is a four-tier process and the Refugee Consideration Assessment is carried out by UNHCR:

### **1. Refugee Identification**

As mentioned-above, refugee candidates for resettlement are generally picked out initially by members of NGOs, local journalists and UNHCR's local staff.

### **2. Refugee Registration**

After refugees in need for resettlement have been identified, their registration is made. After taking the life histories, arrival time, bio-data, and present circumstances of the refugees, three-way criteria of assessment are launched for resettlement consideration.

### **3. Personal Refugee Wing Research**

This research wing assesses each individual case thoroughly. Apart from considering the social and economic condition of the refugees, this wing carefully notes whether the identification and registration processes fall under the actual definition of UNHCR resettlement: namely, that refugees cannot integrate locally or that they cannot be safely repatriated. UNHCR caseworkers then gather all the necessary information required for the investigation. After completing this process, this wing refers the selected cases on to the second stage of resettlement scrutiny, namely "the senior officer reassessment" (the UNHCR term).

### **4. Senior Officer Reassessment**

The senior officer carefully reassesses the selected cases for resettlement, including refugees' year of arrival and the bio-data of individual refugees. They then select refugees who are invited for interview to evaluate their eligibility for resettlement, mainly based on information collected. Refugees are interviewed based on the extent to which they need protection and whether resettlement is the only option. Indeed, priority is given to vulnerable refugee groups, including trauma victims, unaccompanied children and above all the "women at risk" and medical emergencies. Once cases are considered to be qualified for resettlement and UNHCR has identified a potential country of resettlement, the refugees are

informed to which countries they have been recommended for the resettlement. At this stage, any case could be rejected, though registered refugees have a “right to appeal”.

## **5. Right to Appeal**

Upon rejection, refugees can appeal by submitting additional proofs and documents for consideration, though this takes months. Resettlement from Pakistan is a protracted process. As mentioned previously, in 2011, out of 1.8 million registered refugees in Pakistan, 4000 were registered and only half of them were finally selected for resettlement.

## **What Type of Refugees Register for Resettlement: “Women at Risk”**

The resettlement of refugees in Pakistan varies depending on circumstances and individuals. Some cases for registration for resettlement were taken where entire sections of a refugee community faced danger and experienced constant sexual harassment. In other cases, refugees were identified and some registered for the resettlement on medical grounds. Some members of refugee populations were considered for registration because their family members had been killed or because their lives were deemed in serious danger. Interviews with refugees and aid agencies working for refugees confirmed this. In addition, a number of Afghan refugee families were selected for resettlement as part of “family reunification” in Europe, Canada, Australia and the US. Some Pashtun informants reported seeking resettlement through family reunification in EU countries, especially Norway, Sweden, Germany and the UK.

In Pakistan, some refugees are more vulnerable than others: these are naturally given priority in resettlement. According to UNHCR, in Pakistan over 38 percent of selected refugees for resettlement to the EU states related to “women at risk”. Interviews with UNHCR representatives, NGO members, local journalists and community headmen pointed out 15 types of “women at risk” (about 38 percent of all selection cases for the resettlement from Pakistan to EU countries) who were chosen for resettlement in 2011.

### **1. Husbands Disappeared/Killed**

In this case, women were chosen whose husbands or other adult members of family had either been killed during the war or personal feuds/disputes. As a consequence, there was, in fact, no other adult male in the kinfolk, but children/minors.

### **2. Forced Marriages**

In some cases identification and registration of refugees are made when women’s husbands disappeared or when they were killed and their widows are afterward forced to marry other members of the tribe. In some cases, upon the death of adult males, their young daughters are forced into marriage.

### **3. Domestic Violence**

In this case the selections for resettlement are made when women/wives received “repeated husband beating”. Sometimes husbands are addicted to heroin or to other drugs.

### **4. Loss of Family Members**

In this case, registration for resettlement is generally made for those women/wives/daughters, whose close relatives/guardians were lost in Afghanistan during the war; and as a result they are left alone in Pakistan and have faced fear, abduction and sexual harassment.

## **5. “Shame Family”**

Some refugee families were found who sold their daughters for money; in other cases adult members of family sold their siblings in order to buy drugs. So these cases are registered for the resettlement for vulnerable members of these families.

## **6. “Run-away Couples”**

In this case, selection/registration is considered for those girls/women who were forced to marry against the will of their family/tribe and who somehow managed to escape their family. As a result their lives remain in constant danger. In a few cases, some girls were threatened with forced marriages with older members of the tribes.

## **7. Hazara Women**

Some Hazara refugee families, who are Shiites face threats; this includes a substantial segment of refugee women whose menfolk had been killed in sectarian violence over the years by Taliban and other anti-Shia groups. About 900 Hazaras in Quetta have been murdered in the past few years, mainly because of their ethnic identity. In some cases, registration for resettlement is made for vulnerable women who are left behind.

## **8. Land Disputes/Feuds**

Some refugee families have seen their land, houses and property occupied in Afghanistan by members of powerful locals or military types. It is thought that there is no chance of taking back their occupied land. These families could not return to Afghanistan, because their property/land either had been occupied or destroyed. Members of these refugee families are registered. In cases of “blood feuds”, the selection for resettling this group mainly comes from the refugee families who had disputes over land and property. In this regard, menfolk had either been killed or are in prison. Women were left alone with their families and they faced constant threats to their lives and to those of their children.

## **9. Journalists and Interpreters Facing Persecution**

In a few cases, some journalists who broke the stories of “forced marriages”, and “run-away couples” and other sensitive issues, are considered for resettlement. They receive regular threats to their lives, not only from refugee tribes/headmen but also, on occasion, from the Taliban. In a similar vein, some interpreters, who worked with different local and international agencies and NGOs, received threats and are identified for resettlement registration

## **10. Members of NGOs Killed or Families in Danger**

Members of NGOs working in refugee camps and war fronts were either kidnapped/murdered; their families now left alone are in danger. Their cases are considered for resettlement registration.

## **11. Unaccompanied Minors**

Selection can also be made for minors whose parents/guardians have been killed, or maimed. In some cases, minors face sexual harassment; in others cases, distant relatives used them for bonded labour and forced marriages.

## 12. Adult Males in Prisons

Resettlement is also considered for refugee women where male members of refugee families are in prisons. In some cases, they might have committed crimes; in other cases, they were being punished for others' crimes. They would commonly receive money from criminals; and spend time in prison for others' crimes.

## 13. Medical Cases

Selection for resettlement is also considered for refugees on medical grounds; if medical facilities/operations are not available at the local level. This could be "prolonged illnesses"; "treatment may change their life"; "significant impact on their life after treatment".

## 14. Violence/Torture

In this case, registration can be made for women who feel constant danger to their lives. Women could be kidnapped, face physical beating, sexual harassment, and the fear of being sold.

## 15. War Continued

War is ongoing in Afghanistan. Some adult males from refugee families have been killed in the war. Others have been killed in personal feuds and sectarian violence. As a result only women are now left.

## Resettlement: A Time-consuming Process

After completing Afghan refugees' registration and selection for resettlement, it takes months – in some cases years – to move on to the next stages. Generally speaking, UNHCR in Pakistan has divided resettlement into three categories:

1. **Moral Cases:** these should be finalised within 6 months but they typically take a couple of years;
2. **Urgent Cases:** these should be finalised within 2 months but they typically take months or even a year;
3. **Emergency Cases:** the cases which are identified as "serious cases" requiring immediate protection needs or medical emergencies usually take one week or less.

Most emergency cases are submitted for resettlement in Canada, as the country is known as the fastest country for resettlement. Emergency cases for resettlement to EU countries are mainly forwarded to the transit centre in Manila, the Philippines. If the selected members/families have had some involvement in the Taliban in the past, they require a further No Objection Certificate (NOC) and this prolongs the process by months.

## EU Countries' Scrutiny of UNHCR Submissions

After completing submissions for resettlement, UNHCR in Islamabad forwards the dossiers to its head office in Geneva, where the EU resettlement countries offer submissions for resettlement. They assess individual submissions in accordance with their policies, laws and regulations and decide whether or not to grant resettlement. They also determine the size and composition of refugee resettlement. However, the resettlement officer in the Islamabad UNHCR office notes that EU countries take a great deal of time. They not only thoroughly assess security concerns, but also integration prospects. In some cases, this takes a long time, in other cases they announce their decision punctually. A UNHCR representative claimed that "[the EU countries] take a long time for the decisions on certain sections of

Afghan refugee populations and that delay is a concern for us.” Some cases do require urgent resettlement decisions but response from the countries arrive too late. The individual EU countries, in fact, are too concerned about security issues, especially relating to some sections of Afghan refugees. Security checks are complicated, complex and lengthy. This not only requires clearance, namely a No Objection Certificate from Pakistan’s Foreign and Interior department. An EU country might also carry out its own screening. They can reject the cases on any grounds, for example, they might claim that relevant refugees are not really risking their lives. Some EU countries do not issue decisions until they have completed all security checks and medical examinations. Some cases take a great deal of time; while others are processed fast. UNHCR are not informed why some cases take so long. On receiving submissions from UNHCR, the EU countries carry out the following steps:

1. **Medical Checks:** selected cases can be rejected on medical grounds.
2. **Security Checks:** a “no objection certificate” (NOC) is required from the Pakistan government.
3. **Consideration:** conditions of family/kinships connection in the resettlement countries.

All resettlement countries have their own security checks; they assess the submitted dossiers in accordance with their own criteria. They can reject cases for any reason, but, if they reject a case, they do need to provide reasons for rejection to UNHCR. A resettlement officer in Islamabad expressed concerns about the criteria adopted by some individual EU states on the submitted dossiers. “We are unsure why some refugees’ decisions are processed speedily and they depart within a relatively short space of time, while others have to wait for months.” The different countries have various policies for resettlement. Canada has set up a local mission office in Islamabad, while Australia’s office for the Afghan resettlement is in Dubai. US officials are based out of New Delhi and visit Islamabad every three to six months. The US follow the security checks through IOM. While some individual EU countries accept UNHCR submissions, others ask for additional information about individual refugees or on some refugees. In some cases, they ask for the individual’s life histories, their age, arrival time, living place, and their actual name and tribal affiliations. UNHCR staff described how “on the ground, it is hard to find their proper addresses, as most move from place to place, locality to locality and from camp to camp. In many cases their age is guessed; by stating 20-30 years etc. They claim that resettlement countries do not fully understand the realities on the ground and they, on the other hand, dictate their own procedural processes”. The Afghan refugee cases for resettlement to EU states are generally forwarded through UNHCR head office in Geneva. In the context of resettlement for EU countries, most emergency cases are shifted to UNHCR’s transit site in Manila, the Philippines, where an “Emergency Transition Centre/Facilities” has been set up.

## **Role of International Organization for Migration**

Upon receiving submissions from resettlement counties, IOM liaises between successful candidates and their resettlement countries. It also helps refugees in preparing travel documents and obtaining No Objection Certificate (NOC) from the Pakistan Ministry of Foreign Affairs. Interviews with IOM staff in Islamabad suggest that the protracted security checks for resettlement refugees consume significant time due to the current security situation in the country. Sometimes, the ministry returned cases back to IOM with some objections, asking for more details and clarification. Pashtun refugees usually experience a significantly longer waiting period for the security clearance because of previous Pashtun links with the Taliban. In addition to facilitating security checks, IOM arranges refugees’ pre-departure arrangements and travel schedules.

## **Role of the Pakistan Foreign and Interior Ministries**

After the selection process selected refugees must go through security checks, by gaining No Objection Certificates (NOC) from the Pakistani government. The NOC/security checks could relate to crimes

committed in the localities; courts litigations; and connections with the Taliban. To get an NOC is a very hard task. Here the role of local policemen is crucial. They investigate refugees' characters and credentials; they verify their addresses, areas, and streets over the period they have lived in Pakistan as well as their arrival time. Tracing their residential histories are a difficult and a time-consuming process. Refugees move from one area to another; they live in tents and play-grounds. In this process, massive corruption is involved for security clearances; authorities' decisions for "no" or "yes" can change a refugee's life. A UNHCR representative stated that: "the lengthy process for the security checks is a concern for us and this process consumes unbelievable amounts of time. It should take 6 weeks normally, but it takes far longer. Refugees move from one place to another; sometimes they have changed their places of residence twenty times over; and they have no proper addresses. In many cases they just say they "live near a given shop, or near a school, or near a playground". Here it is almost impossible to trace all addressees where refugees have lived over the years. If they are not on the police's "wanted list" they could be issued an NOC in months, but in other cases the process takes a great deal of time. Some pay a bribe to the local police to speed up the process of getting an NOC. In obtaining an NOC, many refugees face sexually harassment, too. In cases of unaccompanied women, individual policemen not only take advantage of their vulnerability. There are also cases reported in which the police sexually abuse them. In cases of conversions to Christianity, the police created problems. After the long process of getting an NOC, if the resettlement countries find that any selected refugee is involved in fraud or crime or has had links with the Taliban in the past, the selections are dropped.

### **Role of NGOs and Community Headmen**

UNHCR works closely with the Pakistani-based NGOs, such as Sharp (Society for Human Rights and Prisoners Aid) and SACH (Struggle for change), not only for the identifications and referrals of refugees in need of resettlement, but also for the legal issues and pre-departure processes. Sharp has set up offices in Peshawar and Quetta. This NGO not only assists UNHCR in legal issues and protection, it has been involved with the identification of refugees for resettlement. It also provides advice and legal aid for Afghan PoR Card Holders. SACH is a non-profit organization based in Islamabad/Rawalpindi working for the rehabilitation of victims of traumatic human rights abuses through a multidisciplinary approach that includes, *inter alia*, offering shelter, medical treatment, and psychological support to survivors of state, domestic and other kinds of abuse: especially to women and children. The organization is not only supporting refugee communities. It also focuses on Afghan refugee populations in Pakistan. For that matter SACH has been providing shelter services to refugees who have been approved for the United States Refugee Resettlement Program, but who are still awaiting departure. More importantly, it teaches refugees basic language skills and provides them with cultural orientation training that might help in resettlement countries.

It is important to point out here that these NGOs have no role in the selection of refugees for resettlement. In the past, UNHCR was concerned about corruption and nepotism, so it now only gives tasks that involve legal issues, or submits applications, or organise workshops for culture awareness. While these NGOs are involved, to some extent, the identification of refugees in need of resettlement, they mainly provide medical, educational and legal support to both refugees and UNHCR. They sometimes identify individual refugees' suffering and vulnerability to UNHCR, but such cases do not often register for resettlement. "I referred some Afghan refugees to UNHCR who were in real need for the resettlement as their lives were in danger", Asif Ali, a member of SACH, informed me during the course of an interview in Peshawar, "but almost nine months have passed and they have not been contacted for the registration". When this concern was raised with a UN spokesman in Islamabad, he reaffirmed "we do encourage NGOs to provide us assistance about what profile we are looking for. They recommend many cases on medical grounds and on vulnerability of some refugees, but medical reasons for resettlement are not the only criteria". However, the spokesman admitted that UNHCR always sought support from both SACH and Sharp for the identification of refugees in need for resettlement, because they have a better local network. They work mainly on women rights, and

children's wellbeing. Their members could go to areas where UNHCR staff cannot go, so in that sense they know better which sets of Afghan refugees are genuinely in need of resettlement.

A member of SACH who works with Afghan refugees noted "our NGO has recommended hundreds of Afghan refugees for resettlement to UNHCR. It provided the names of the refugees whose lives are in danger and who deservedly need resettlement". Sometime NGOs submit a whole section/tribal of refugees to UNHCR who will not go back to Afghanistan and who the Pakistan government will not tolerate either. They have forwarded many unaccompanied minors/children and girls to UNHCR for resettlement whose lives have been in danger. A respondent stated "I personally recommended resettlement for a Pashtun family whose head worked as an interpreter for an aid agency in the refugee village but who was killed by the Taliban, but as of recently the family has still not been contacted". Rightly or wrongly, some informants believe that UNHCR is unfair in its criteria for registration and selection for resettlement.

## Conclusion

The material here has shown that refugee resettlement from Pakistan is a complex issue that involves a series of drawn-out processes and checks. Such practices aim not only to make resettlement transparent, but to search out the most vulnerable refugees for resettlement. In actuality, most Afghan refugee populations were not aware of resettlement. UNHCR and other agencies do not advertise resettlement. Voluntary repatriation remains UNHCR's preferred solution in Pakistan for most refugees, as elsewhere in the globe. The general feelings among the agency members was that the number of resettlements were too few to make it worth publicising given the 1.8 million documented Afghan refugees in Pakistan. Few agencies staff interviewed were aware of the modifications introduced by the Joint European Resettlement Programme (JERP) which was passed through the European Parliament in March 2012.

Most registration cases for resettlement come through NGOs who work with refugee populations at the local level. Other cases for resettlement are referred on by doctors and journalists who are involved with refugees at the grassroots level. They only identify the cases though. UNHCR carries out its own assessment for registration and selection for refugees in need of protection for resettlement, what has been described "Population Profiling and Verification Exercise". The refugees who fall into the category of resettlement are described by the UNHCR as "Serious Protection Concerns". The findings of this report have identified that some individual refugees or sections of refugee populations in Pakistan are more vulnerable than others. Other cases that are registered for the resettlement process include "family reunification" in resettlement countries. However, a great number of the Afghan refugee "women at risk" are registered for resettlement in Pakistan.

On receiving submissions from UNHCR, some EU resettlement countries initiate their own scrutiny for resettlement. They take a significant time in order to scrutinise security and medical factors and perhaps most difficult, a clearance (No Objection Certificate) from the Pakistan authorities begins. The NOC process starts with the local police station and passes on through different channels ends in the Pakistan's Foreign Affairs and Interior departments. This long process involves issues of corruption and sexual harassment of the individual refugees.

## Recommendations

Local and national publicity and awareness about resettlement option in Pakistan would provide a unique opportunity to refugees in need of resettlement, as most vulnerable refugees are sometimes the least visible and vocal. It would also provide a better understanding of the motives of resettlement for both the refugee populations as well as the public as a whole. There is, of course, the need to ensure that the most vulnerable individuals or sections of refugee populations who cannot be reached by UNHCR are still given opportunities for resettlement. For example, many ethnic Hazara refugees are



in need of resettlement, but they remain largely invisible and inaccessible. As the fieldwork interviews have revealed opportunities for resettlement are not usually made explicit, though some Afghan refugees were well aware that such options exist. Moreover, in order for a fuller understating of the resettlement operation in Pakistan, the voices and experiences of refugee “women at risk” need to be recorded. Women informants might be accessed through a female fieldwork assistant. One of the drawbacks of this research is that the voices of refugee “women at risk” are muted.

In most cases the refugee populations have no direct access to UNHCR regarding the registration for the resettlement process. As we have noted, they are chiefly identified and referred for resettlement registration in-directly. In this in-direct process of identification individual refugees sometimes are exploited and, on other occasions, fraudulent claims come up. The presence of an EU mission in Pakistan, like some other resettlement countries, would not only further the entire operation of resettlement. It might speed up the resettlement process, as a whole.

Moreover, there should be state-level arrangements for resettlement countries with the Pakistan government to expedite resettlement and security clearance (No Objection Certificate) from Pakistan’s Interior and Foreign Affairs departments. In the resettlement context for EU states, a separate set-up office concerning to the “security clearance” in Islamabad could further accelerate the procedural requirements for gaining an NOC. More monetary and human resources are required in this regard. UNHCR representatives in Islamabad noted limited financial resources and limited time allocated by resettlement countries. Indeed, there is a feeling that European countries should be more committed not only to supporting the agency financially, but also to assisting in human resource matters at grassroots level.

Moreover, resettlement states should not only increase their number of resettlement places in Pakistan, given the presence of millions of refugees who need resettlement. Some Muslim countries might offer places, as some conservative refugees in need of resettlement might be convincingly directed there. Finally, the EU resettlement countries ought to be more explicit in their criteria and scrutiny in their own selection process. There is bewilderment in Islamabad as to why decisions on some submissions are resolved immediately, while others have to wait months, if not years.

### Annex 1. Afghan refugees in Pakistan

Province	Number of Refugees (in millions)
NWFP	1.878 61.6
Baluchistan	769 25.2
Punjab	207 6.8
Sindh	135 4.5
Islamabad	045 1.5
Azad Jammu & Kashmir	013 .4
Total	3.047 100

Source: UNHCR, 2007

### Annex 2. Ethnic breakdown of Afghan Refugees in Pakistan

Pashtuns	Tajiks	Uzbeks	Hazara	Turkmen	Balochi	Others
81.5%	7.3%	2.3%	1.3%	2.0%	1.7%	3.9%

Source: *Census of Afghans in Pakistan* by the Ministry of States and Frontier Regions

### Annex 3. Reasons for not repatriating to Afghanistan in % of Afghans

	Personal Animosity	Security	Livelihood	Shelter	Other
Pakistan	3.1	17.8	18.2	57.2	3.7
NWFP	3.1	13.9	13.0	67.0	3.0
Non-NWFP	3.1	25.1	27.9	39.0	4.9
Camp	2.3	18.1	12.5	64.3	2.9
Non-camp	3.9	17.5	23.1	51.2	4.3
<b>Ethnicity</b>					
Pashtun	3.2	18.2	18.2	56.9	3.5
Non-Pashtun	2.6	15.7	18.3	58.7	4.7

Source: UNHCR 2007

## **KNOW RESET – BUILDING KNOWLEDGE FOR A CONCERTED AND SUSTAINABLE APPROACH TO REFUGEE RESETTLEMENT IN THE EU AND ITS MEMBER STATES**

Co-financed by the European Union

### ***Investigation in first asylum country - Tunisia / Shousha Camp***

**Wafa Baba**

KNOW RESET Research Report 2013/02  
*Country of First Asylum Report*

**KNOW RESET**  
**Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement**  
**in the EU and its Member States**

**Research Report**  
**KNOW RESET RR 2013/02**

**Investigation in first asylum country**  
**Tunisia / Shousha Camp**

**Wafa Baba**

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## **KNOW RESET - Building Knowledge for a Concerted and Sustainable Approach to Refugee Resettlement in the EU and its Member States**

The KNOW RESET Project, which is co-financed by the European Union, is carried out by the EUI in partnership with ECRE (the European Council on Refugees and Exiles). The general objective of the project is to construct the knowledge-base necessary for good policy-making in the refugee resettlement domain in the EU and its 27 Member States. It aims to explore the potential to develop the resettlement capacity, to extend good practices and to enhance cooperation in the EU.

KNOW RESET maps and analyses frameworks and practices in the area of refugee resettlement in the 27 EU Member States. The team involved in the project, gathering members of the EUI's and ECRE's large networks, has proceeded with a systematic and comparative inventory of legal and policy frameworks and practices related to resettlement in the EU and its 27 Member States, providing the most updated set of information. The publication of comparative data and the dissemination of research results contribute to raising awareness for refugee resettlement and refugee protection in the EU and provide a knowledge-tool for policy-makers, governmental and non-governmental stakeholders interested or involved in resettlement activities and policies in the EU and countries of first asylum. The project involves too field research in Kenya, Pakistan and Tunisia, which will add to the knowledge and the assessment of resettlement practices of refugees from countries of first asylum to the EU.

KNOW RESET has resulted in the first website mapping EU involvement in refugee resettlement. It focuses on resettlement in the EU and covers the 27 Member States, involved in resettlement in one form or another, and to various degrees. It contains a unique database providing legal, administrative and policy documents as well as statistics collected from national authorities by the project team. It also includes a series of comparative tables and graphs, the country profiles of the Member States, country of first asylum reports, as well as thematic reports and policy briefs. This user-friendly website is a valuable instrument for: comparing the varied frameworks, policies and practices within the EU; for evaluating the resettlement capacity in the EU; for following the evolution of Member States' commitment in resettlement; and for assessing the impact of the Joint EU Resettlement Programme.

Results of the above activities are available for public consultation through the website of the project:  
<http://www.know-reset.eu/>

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## Abstract

As part of the KNOW RESET Project, this report looks at resettlement, from country of first asylum to the host countries, especially those in the EU. To do this, we performed an extensive literature search and a qualitative survey of the refugees from the Shousha camp, UNHCR and its partners in Tunisia. We conducted this study in Tunisia from 15 June to 15 October 2012, with refugees submitted for resettlement, as well as stakeholders in the Shousha camp, in Tunis and Zarzis.

Given the complexity of the resettlement process, we have focused on the risks of non-compliance with refugees' human rights and the possible consequences in terms of the ability of refugees to integrate into their host country. Also, we suggest solutions for better resettlement conditions.

The analysis of the resettlement process reveals the limits of practices, at different levels:

- The lack of adequate information circulation between the different actors in the process.
- The highly-centralised role of UNHCR in the process.
- The imbalance of burden-sharing among countries of resettlement.
- The lack of harmonization of criteria among EU countries.
- The disengagement of some countries from the Joint EU Resettlement Programme.
- The gap between the selection criteria and the local and international contexts.
- The insufficient management of the refugees' waiting time.
- The absence of a legislative framework for asylum and/or resettlement in Tunisia.



## **Glossary and Acronyms**

<b>BID</b>	Best Interests Determination
<b>ETC</b>	Emergency Transit Center (in Romania/Slovakia)
<b>Ex-Libya</b>	Refugees or asylum seekers registered with UNHCR Libya
<b>MAF</b>	Medical Assessment Form
<b>RST</b>	Resettlement
<b>RSD</b>	Refugee Status Determination
<b>RFF</b>	Resettlement Registration Form

## Introduction

17 February, 2011, as a result of the civil war that broke out in Libya, thousands of people began arriving, asking for refuge at the Tunisian borders. The inhabitants of the South-Eastern region hosted the first arrivals with the help of the Tunisian authorities, who quickly implemented the first transit camp on the Ras Jdir border, on 23 February 2011. Subsequently, they had to deal with a growing numbers of refugee flows, as an outpouring of international solidarity came in to take care of those fleeing from Libya. Thus, several camps were installed between February and May 2011, the main camps are:

- The Shousha camp, installed 24 February, 2011 (UNHCR).
- The Emirati camp in Ras Jdir, installed 13 March, 2011.
- The “El Hayet” camp, installed 6 April, 2011 (IFRC).
- The Remada Camp, 10 April, 2011 (UNHCR).
- The Emirati camp, installed in Dhiba 13 April, 2011.
- The Qatari camp, installed in Tataouine 23 April, 2011.
- The “Save the children” camp, installed in Ras Jdir 9 May, 2011 (UNICEF).

Receiving, control, health, housing and various social service operations were ensured by international organizations, UNHCR’s partners under its own coordination. Aid in different areas was carried out by countries: for example, as Morocco (installation of a military hospital) and Switzerland (support for repatriation and local integration). A temporary office was operational between April and September 2011 for Libyan refugees in urban areas. Then, by July 2011, only the Shoucha camp remained operational, grouping all operations, with over 3,700 refugees and asylum seekers.

Therefore, as a special international recognition of Tunisia, the resettlement of refugees remaining in the camp, arose as the main durable solution after repatriation and the voluntary return of most of those who had fled. Given the commitment of 26 countries for a joint resettlement program<sup>1</sup>, this study looks at the practices of resettlement from Shousha camp to the European Union.

We have formulated our study around two major questions:

1. According to what criteria are refugees chosen? And how many steps are carried out in selecting refugees for resettlement by UNHCR and by EU host countries?
2. How can we evaluate the overall process of resettlement, particularly in terms of waiting time?

To do this, we carried out a three-part survey:

### 1. Comparative documentary research

Official data collection from local authorities, media, NGOs, UNHCR and academic expertise. For this, we consulted the websites, newspaper articles and UNHCR editions. This research has enabled us to place the study in context, to define the various research tissues but also to note that the data provided by UNHCR is the main if not the only source of information for institutions and for the general public. This is the reason we stuck, in what follows, to statistics and internal documents from the national office of UNHCR Tunis and the external office Zarzis (cf. Annexes 1, 2, 4 and 5).

---

<sup>1</sup> U.N., A/AC.96/1108, *Progress report on resettlement*, 4 July 2012, <http://www.unhcr.org/503cce2e9.html>

## 2. An institutional survey

For an evaluation of the resettlement process by stakeholders at Shousha camp, namely:

- UNHCR National Office in Tunis.
- UNHCR Office in Zarzis.
- The International Medical Corps (IMC present in Shousha).
- The Danish Refugee Council (DRC present in Shousha).
- The Islamic Relief Worldwide (IRW present in Shousha).
- The German Embassy in Tunis.
- Civil society: the “Boats4people” (NGO), the Tunisian Forum for Economic and Social Rights (NGO) and the World Social Forum (preparatory meeting of 12-18 July, held at Monastir, Tunisia). Civil society supports rejected asylum seekers and refugees for resettlement.

We interviewed some officials and/or attended meetings and activities, as follows:

- UNHCR Tunis: Interview with an officer (July 2012).
- IMC: Recorded interviews with two doctors and one psychologist (August 2012).
- IRW: Recorded interview with the head of the unit (August 2012).
- DRC: Observation of cultural and educational activities (August 2012).
- UNHCR Zarzis: Observation of work activities and interviews (August 2012) with:
  - The head of the office,
  - 3 officers.
  - The officer in charge of security,
  - The senior protection assistant,
  - The senior resettlement assistant.
- German Embassy in Tunis: Interview with the officer in charge of refugees resettled in Germany (September 2012).

In addition, we opted initially for the distribution of a questionnaire to the Tunisian authorities in charge of the refugees, but our questionnaire was not returned. Indeed, because of events in Tunisia during the investigation, it was difficult to contact the Ministry of Foreign Affairs, the Ministry of Social Affairs, the Ministry of Human Rights, and, indeed, the EU embassies. In view of the comparative documentary research and interviews conducted with stakeholders in Shousha camp, we have come to think that this failure will have no impact on this work, for two reasons:

- Tunisian authorities and embassies use UNHCR statistics. Thus, information from them would essentially have repeated information we already have.
- Because of national social emergencies, the refugee issue is now very much a secondary issue for Tunisian officials. At best, we would have received a political speech.

## 3. A qualitative investigation

With refugees in Shousha camp during the week of 27 August, 2012. This investigation focused on resettlement procedures, the evaluation of the process and waiting time. Semi-directive Interviews with individuals and with groups were recorded in the camp:

- First group: 4 refugees submitted for resettlement, in waiting for a final decision by the receiving countries;
- Second group: 4 refugees accepted for resettlement by the host countries, awaiting departure;

- Third group: 2 refugees rejected for resettlement by the host countries. Resubmission in progress.

It should be noted that we had initially planned a larger sample, on the basis of data from the exploratory survey, conducted from June to July 2012. However, the number of interviews was, naturally, dependent on the readiness of refugees to answer our questions.

Moreover, due to clashes that took place in June 2012 between the inhabitants of the urban area of Ben Guerdane and refugees, the Shousha camp was under strict military authority. Therefore, we asked authorization from the Ministry of Defense, and on this occasion, an army officer at the camp voluntarily gave us an interview. This allowed us to identify further security and social problems related to the waiting time in the camp.

Finally, it was possible to achieve the third part of the survey thanks to UNHCR.

## FIRST PART : General Context

### I. Institutional Framework

Tunisia is a signatory of the UN Geneva Convention of 1951, relative to the status of refugees, its 1967 Protocol and the 1969 Convention of the OAU for Refugees in Africa. However, Tunisia had here its first large-scale humanitarian experience. For this reason, a national legal framework governing refugees and asylum seekers was lacking. Therefore, status determination fell to UNHCR, which is the only resource of information for refugees and asylum seekers in Tunisia.

In this regard, discussions were initiated to enact, with urgency, a law that would ensure the protection of refugees rejected for resettlement by the host countries, for people outside the mandate of UNHCR and for the 21 Palestinians<sup>2</sup> in the camp, who for political considerations have not been submitted for resettlement. In addition, UNHCR has been working to put in place interim solutions for the 2,739 Palestinian refugees registered with UNHCR in Libya: repatriation to Gaza; or integration in other Arab countries, by inviting these countries to cooperate more<sup>3</sup>.

In addition, the NGOs involved in the management of Shousha camp operate under the aegis of UNHCR, namely:

- The Tunisian Red Crescent (TRC), whose role is to liaise between UNHCR and refugees and asylum seekers in urban areas. The TRC also provides protection and priority treatment for the folders of vulnerable persons.
- The Danish Refugee Council (DRC) provides cultural and educational activities in the camp, preparatory actions for resettlement (information, language courses, learning the culture of the host country, preparing for interviews, help with refugee rights and help with administrative forms ... etc.).
- The International Medical Corps (IMC) provides the care and psychological support needed for camp residents.
- Islamic Relief Worldwide (IRW) provides logistics, sanitary and culinary help in the camp.
- We interviewed representatives of these partners about their role in the resettlement process and the impact of the waiting time on the health of refugees.

Other partners not present in the camp included:

- International Organization for Migration (IOM), which handles the departure of refugees, and which also helps to manage the flows outside the UNHCR mandate.
- International Committee of the Red Cross (ICRC).
- International Federation of Red Cross and Red Crescent (IFRC).
- Arab Institute for Human Rights.

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<sup>2</sup> UNHCR Registered Shousha, July, October 2012, annexes 1, 2, 4 and 5.

<sup>3</sup> Internal memo in March 2011.

Note 1 “*The Convention does not apply to refugees who fall under United Nations organizations other than UNHCR, such as Palestine refugees who receive protection or assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), or refugees whose status equivalent to that of nationals in their host countries.*”, UNHCR, introductory Note, August 2007, *In*, Convention and Protocol relating to the status of refugees.

Note 2 : « *Palestinian who are not within UNRWA’s areas of operation fall within UNHCR’s mandate, per Article 1D, 1951 Convention relating to the Status of Refugees. See, further, UNHCR, Revised Note on the applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees, Octobre 2009* », UNHCR, March 2011, *In*, Note to Arab League Solidarity Initiative for Palestinian Refugees Formely Residing in Libya.

The UNHCR budget in 2011 for refugee programme (Pillar 1) in Tunisia, amounted to 45,742,856 US dollars<sup>4</sup> against less than one million in 2010. The budget was revised to almost 35 million in 2012 given the expenditure of 2011, and less than 25 million for 2013<sup>5</sup>. Note here that voluntary returns to countries of origin were mainly financed by Switzerland.

## II. Refugee Populations in Shousha Camp

In the beginning of 2011, Tunisia opened its borders to nearly one million citizens coming from Libya escaping the war. The mixed migratory flows, composed of more than 660,000 Libyans<sup>6</sup> and 220,000 persons<sup>7</sup> of thirty different nationalities, arrived in Tunisia led by Eritreans, Somalis and Sudanese. Most of them, including the Libyans, have returned to their countries of origin, after the relative calm now reigning in Libya. Following the upstream work conducted by the Tunisian authorities, UNHCR came to aid the Tunisian people and its government, with which it signed a cooperation agreement in June 2011 for three groups:

- Libyans living in host families and transit camps (90,000 people<sup>8</sup> between April and July 2011 have found refuge, according to estimates from the Tunisian authorities, there remained about 60 families<sup>9</sup> in April 2012).
- Asylum seekers and refugees of other nationalities hosted in the transit camp waiting for durable solutions.
- Asylum seekers and refugees living in urban areas (220 people<sup>10</sup> in July 2011; 276 people<sup>11</sup> in April 2012; 343 people<sup>12</sup> in September 2012, mainly from Côte d'Ivoire).

The last two groups stood at more than 3,700 people in July 2011. Most fear a return to their country of origin, especially Sub-Saharan Africa. 323 people have been rejected for asylum for non-compliance with Geneva Convention standards<sup>13</sup>.

Moreover, given the limited capacity of Tunisia and the refusal of refugees to settle in Tunisia, UNHCR has submitted almost all refugees who arrived, before 1 December 2011, for resettlement. So, 3,697 individual folders were submitted between March 2011 and April 2012. 2,037 refugees were accepted for resettlement in host countries (1,743 people) and by private sponsors (294 people) in April 2012<sup>14</sup>. The 1,660 unanswered submissions await a decision from the resettlement countries and the first departures began at the end of 2011.

<sup>4</sup> UNHCR Global Report 2011, <http://www.unhcr.org/4fc880ad0.html>

<sup>5</sup> UNHCR Global Appeal 2012-2013, <http://www.unhcr.org/4ec2310016.html>

<sup>6</sup> UNHCR Tunisia Fact Sheet, April 2012, Annex 3.

<sup>7</sup> UNHCR Registered Shousha, July, October 2012, annexes 1, 2, 4 and 5.

<sup>8</sup> Ibid.

<sup>9</sup> UNHCR Tunisia Fact Sheet, April 2012.

<sup>10</sup> UNHCR Registered Shousha, July, October 2012, annexes 1,2, 4 and 5.

<sup>11</sup> UNHCR Tunisia Fact Sheet, April 2012.

<sup>12</sup> UNHCR Tunisia Fact Sheet, September 2012.

<sup>13</sup> “The provisions of this Convention shall not applicable to persons to whom there are serious reasons for considering that:

- a) they have committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provisions about such crimes;
- b) they have committed a serious crime law outside the country of refuge prior to his admission as a refugee;
- c) they have been guilty of acts contrary to the purposes and principles of the United Nations.”, Article1F, of the 1951 Convention and Protocol relating to status of refugees. (Translated from French).

<sup>14</sup> Private sponsorships emanate from relatives of refugees living abroad (Canada, Switzerland, Italy and Poland). In September 2012, over 300 persons of concern departed thanks to private sponsorship or immigration programmes.

Taking into account responses received since April from the resettlement countries, this figure decreased, in September 2012, to 1,213 refugees waiting for an answer.

Fearing a pull factor and in order to stop the flow of illegal migrants, UNHCR has not submitted the new refugees arriving from Libya after 1 December 2011, for resettlement. These number 131 (See annexes 4 and 5). Other durable solutions have been proposed for these individuals, namely, local integration or voluntary return to countries of origin. The goal of the deterrent approach is to ensure the closure of the camp in June 2013. However, some exceptions have been granted to 25 vulnerable persons (women and unaccompanied children, suffering people whose care can be provided for in the host country ... etc.) (See annexes 4 and 5). Thus, in September 2012, the number of submissions increased to 4,024 (including appeals), newcomers are now placed outside the camp, in the Zarzis youth center.

However, UNHCR provides humanitarian support to illegal immigrants from third countries, such as: the 74 Somalis rescued by the Tunisian army in the Mediterranean 18 March, 2012 (installed in Shousha camp); or the 154 passengers of a boat coming from Libya (going to Italy) 10 September, 2012, who were installed in the Zarzis youth center.

In addition, the 281 people outside UNHCR mandate among the first arrivals continue to be sheltered in Shousha camp (see annexes 4 and 5). Their case is discussed in the media and civil society, because of the precarious living conditions and the uncertain future of these people. For example, we now follow the evolution of a “sit-in” protest, organized in Shousha camp since September, by rejected asylum seekers and refugees definitively rejected for resettlement, whose claims mark the regularization of their status, the right to resettlement and the refusal of local integration. In the meantime, a number of these people work in construction and agricultural, because of low demand for Tunisians in these two sectors.

In anticipation of these problems, UNHCR had from the beginning entered into negotiations with the Tunisian authorities in order to establish a national legal framework governing the asylum and refugee questions, as well as the facilitation of local integration. Palestinians are at the heart of these negotiations: on this subject UNHCR has been puzzled by the slowness of the government to respond.

Among the last resettled groups during November 2012, there are nine new refugees (initially rejected for asylum) who received an exceptional submission resettlement to Portugal.

Below a summary of statistics Shousha camp, provided by UNHCR (See annexes).

#### **Persons of concern - From Mars 30, 2012 to October 12, 2012**

	<b>Asylum seekers</b>	<b>Refugees</b>	<b>Total</b>
<b>30/03/12</b>	164	2,860	3,024
<b>13/07/12</b>	150	2,381	2,531
<b>24/08/12</b>	141	2,178	2,319
<b>30/09/12</b>	138	2,203	2,341
<b>12/10/12</b>	122	1,868	1,990

We distinguish in the camp, five categories of refugee candidates for resettlement:

- The refugees waiting for a resettlement response from the host countries.
- The refugees accepted for resettlement by the host countries, awaiting a departure date.
- The refugees accepted for resettlement by the host countries, awaiting departure.
- The refugees rejected for resettlement by the host countries, awaiting a response after resubmission.
- The refugees definitely rejected for resettlement by host countries, with a choice of two other durable solutions, voluntary repatriation to the country of origin, or local integration.

## SECOND PART: Resettlement Process

### I. Resettlement as a Durable Solution

UNHCR is engaged in a global process of refugee protection, inviting all signatories of the 1951 Convention, its 1967 Protocol and its international and regional instruments to burden share. In addition to the right to asylum, the process includes three durable complementary and non-hierarchical solutions<sup>15</sup>, namely:

- Voluntary repatriation.
- Integration (in the country of first asylum).
- Resettlement.

In general, any refugee under the mandate of UNHCR has the right to international protection. However, resettlement is a last resort. Resettlement is only organised where repatriation and/or integration in countries of first asylum is impossible. Therefore, UNHCR chooses the appropriate durable solution for refugees, individually or in groups, according to the needs and concerns of refugees (not according to their wishes).

It is furthermore stated in the UNHCR Handbook that resettlement, unlike repatriation, is not a right. It should never be an answer to a claim, or favor, or accorded out of pity or following an incident.

It is also noted that acceptance for resettlement by UNHCR must be independent of quotas of resettlement countries, and questions of the integration potential of refugees. However, a few exceptions are tolerated in the absence of prospects for other durable solutions. To this end, admission procedures shall be laid down for resettlement by UNHCR, in order to ensure the transparency of the process, to limit subjectivity stakeholders and also to combat the possibility of corruption.

#### 1. Who is eligible for resettlement?

Besides the basic considerations, the criteria for refugee admission for resettlement by UNHCR are the following<sup>16</sup>:

- Refugees in need of legal and physical protection,
- Victims of violence and torture,
- Refugees with medical needs,
- Vulnerable women,
- Refugees following family reunion,
- Children and adolescents,
- Elderly refugees,
- Refugees without local integration prospects.

#### 2. Who is not eligible for resettlement?

Excluded from international protection and, therefore, from resettlement, are refugee with threats hanging over them as described in Article 1F of the 1951 Convention, mentioned above. As such, the registration for the resettlement form (RRF) must contain the reasons for inclusion in international protection. Thus, the review of conformity with the exclusion clauses may, at any time, result in the

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<sup>15</sup> UNHCR Resettlement Handbook 2011

<sup>16</sup> Ibid.



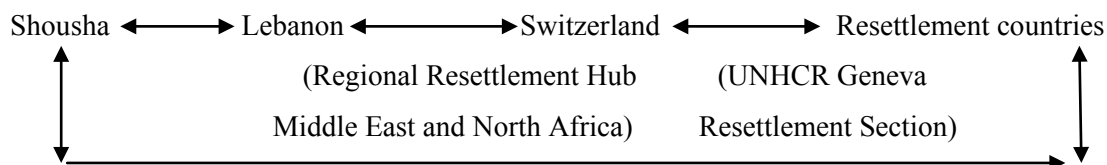
revocation or even the cancellation of erroneous initial recognition, whether for refugee status or for admission to resettlement. This rigor imposed both by UNHCR and resettlement countries aims to avoid the abuse of the institution of asylum. However, as argued above, refugees from Shousha camp have, generally, had their applications for resettlement systematically accepted by UNHCR for submission to resettlement countries. The few refusals involved cases of crime, polygamy and unaccompanied minors, where other durable solutions were offered. Then there were also refugees rejected by potential host countries.

## II. Resettlement according to Stakeholders: the Period of Waiting.

### 1. The Resettlement Process according to UNHCR:

“Resettlement involves the selection and transfer of refugees from a country where they have sought protection in a third country which has accepted them as refugees and granted them the status of permanent residence. The status is granted protection against refoulement and provide the resettled refugee and his family or dependents access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also provide the opportunity to eventually become a naturalized citizen of the country of resettlement”<sup>17</sup>.

UNHCR has the obligation to ensure the smooth running of the resettlement process, from the initial selection, until there is guarantee of citizenship rights in the country of resettlement. A commitment of this kind necessarily involves the establishment of a huge institutional and procedural machine around the world, which we can characterize as “heavy” at times, because of the growing number of refugees. Indeed, the main path through which a dossier is submitted for resettlement, illustrates this fact:



We presume that the centralization process not only slows the mechanism, but also causes a loss of information (qualitative) and, therefore, a potential failure to understand the reality on the ground.

### 2. The Resettlement Process according to the UNHCR Tunis-Zarzis Team:

At external offices in Tunis and Zarzis, officers and assistants refer to Chapter 7 of the UNHCR Resettlement Handbook of 2011<sup>18</sup>, about the resettlement procedures, and to Chapter 5 in the same Handbook for the identification of needs, specific needs and the risks involved in resettlement<sup>19</sup>. Upon arrival, refugees await initial identification (**waiting time 1**), after which, resettlement operations are implemented as follows:

<sup>17</sup> UNHCR Resettlement Handbook 20011, Chapter 1, page 2

<sup>18</sup> UNHCR, *Basic procedures to follow in processing resettlement submissions*, <http://www.unhcr.org/3d464ee37.pdf>, In, Resettlement Hand book, chapter 7, 4 July 2011.

<sup>19</sup> UNHCR, *Protection considerations, and the identification of resettlement needs*, <http://www.unhcr.org/3d464e176.html>, In, Resettlement Handbook, Chapter 5, 4 July 2011.

- Assessment of individual resettlement needs: case assessment and verification.
- Preparation of a resettlement submission: Interviews and preparation of documentation (including BID, MAF) and a RRF.
- UNHCR submission decision: routing of submissions.
- Resettlement country decision: preparing for state selection missions, decisions and practices.
- Post-decision: resubmissions and family unity.
- Pre-departure arrangements and monitoring.

According to the testimonies of officers and assistants to the resettlement and protection process, the systematic submission of refugee to resettlement has saved time. The initial identification took place simultaneously with the operation of eligibility for refugee status (RSD). To do this, a reinforcement team composed of several dozen international UNHCR officers helped the home team during 2011. This allowed the realisation of the first three stages of preparation for resettlement, approximately, in six months (**waiting time 2**). This was qualified as “exceptional” by our interviewees.

Let us note here that the conduct of resettlement interviews is a crucial step. Everything said by the refugee must be transcribed and evaluated by the interview officer, in the forms in the resettlement file. Some complex cases are interviewed twice.

The Resettlement Registration Form (RFF) traces the life of a refugee. This form is developed for all identified refugees. The BID (Best Interests Determination) is an additional form for minors, all of them having priority for resettlement. The MAF (Medical Assessment Form) is an additional form for serious medical cases, all of them having priority for resettlement.

These forms contain confidential personal life stories, so we did not have access rights. Nevertheless, a few RFF previews were entrusted to us. Here are marked the selection criteria mentioned above (vulnerability categories).

After obtaining data, HUB's submission for resettlement begins. This implies a revision of the contents, then a classification of the files by resettlement countries, according to the criteria and preferences defined and communicated by them. These are, then, transmitted to the HUB of Lebanon, which, in turn, carries out the same operation again. We regret not being able to get information on this, because the regional HUB has had a new mission in Kenya since June 2012: the date of last submissions at Shousha.

The refugees we interviewed said that they had no knowledge of the countries' criteria and the reasons for resettlement refusal from some. Deductions, of course, could be made : for example, the rejection of opinion leaders by the USA ; the interest of other countries in single women and children ; indifference towards the elderly without family ; and the preference for francophones in Canada.

Chapters about resettlement countries can be found in the 2011 UNHCR Resettlement Handbook, which gives some sense of the resettlement policies of various countries. However, this list is not exhaustive, and does not include Belgium, Spain, France, Germany, Switzerland and the UK. Out of 26 resettlement countries, only 19 participated in the resettlement of refugees from Shousha camp<sup>20</sup>, among these Romania which hosts an emergency transit center (ETC).

Once submitted by UNHCR, the treatment of resettlement cases by countries of second asylum lasts up to a year. Generally, the time required by each country is divided into three phases:

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<sup>20</sup> Nine resettlement countries have not participated in the resettlement of refugees from Shousha, namely, Argentina, Brazil, Chile, Czech Republic, Iceland, New Zealand and Paraguay.

- **The verification phase:** Security investigations, content and profile selections are conducted for each individual file. Only the US communicate progress of its work to refugees. At the end of this phase, an appointment for an interview with an on site delegation will be given to each refugee. **(waiting time 3).**
- **The selection phase in the country of first asylum:** Interviews are conducted individually with the coordination of UNHCR officers and the Tunisian Red Crescent. Most countries make their final decision a long time after the interviews. **(waiting time 4).**
- **The phase of preparation to departure and resettlement:** A final decision will be given, well before the departure date is communicated. **(waiting time 5).** There is often an additional wait before departure **(waiting time 6).**

Only Spain has reduced the overall waiting time, by giving the final decision immediately after interviews in June 2012, and by organizing the departure of refugees the following month. However, one of the refugees resettled in Spain reported to his friends in the camp, that the conditions of resettlement were not promising.

In 2011, the first refugees who were rejected from resettlement had the privilege of being accepted by other countries, whose criteria are more adequate and/or whose quotas not yet exhausted. In 2012, all resubmissions were conducted systematically for the same country, according to the initial submission, so few cases have been reviewed and accepted. **(waiting time 7).**

Moreover, all our interviewees agree in noting that the US is the country whose resettlement process is slowest. However, the US is the country that is the least demanding in the first submission, and which resettles the greatest number of refugees.

Germany resettled 300 refugees in 2012, 202 from the Shousha camp – out of 240 submitted by UNHCR – and 100 Iraqi Christians arriving from Turkey, who have family ties in Germany. Germany also spends a large budget on the local integration of refugees, ranging from €600,000 to a million, to promote the financial independence of refugees. According to the relevant officer at the German Embassy priority is given to refugees with potential for integration, namely, for example, those aged 18-35, high level executives (mostly Iraqi) and technicians (from Iraq, Sudan, Eritrea ...). But, Nigerian refugees were rejected because of questions over safety. These statements are confirmed by a UNHCR officer, who adds that European standards are certainly more selective: they are established by profile and special cases. We were also present at the departure of 195 refugees to Germany 3 September 2012, who, according to the refugees resettled in Germany at the embassy, will be driven to a transit camp in southern Germany before final resettlement. This group will be followed by seven other people who need to be given medical treatment in Tunisia before their departure, including a pregnant woman, with two children. This group had been awaiting departure since May 2012. The German authorities needed five weeks to treat the records, after the submission of UNHCR.

In addition, the role of the embassy is only to ensure coordination between the German migration authorities and UNHCR in Tunisia. Therefore, no accurate information on the selection criteria or the Joint European Union Resettlement Programme (JEURP) is available at the Embassy.

The numbers of refugees are obviously falling, the result of progressive resettlement in host countries and repatriation. For example, at the time of writing this report, a UN HCR officer at Shousha camp told the media that most of the refugees in the camp will be resettled in the United States, Norway and Germany by the end of the year. This suggests that the number of refugees will decrease to 1,500 after the repatriation of most, especially Libyans, Egyptians and Bangladeshis.

However, the pace of operations remains slow. Indeed, during our visit to Shousha Camp at the end of August 2012, there were 2,178 refugees against 2,381 in July 2012. We also heard of the departure of 300 refugees to Germany, the USA and Canada between September and November 2012, which suggests an average of 150 departures per month, or approximately 7.5% of the number of refugees in 2012. These are low numbers given the problems encountered in the camp, and the global waiting time.

### 3. The Resettlement Process According to Other Stakeholders:

Other stakeholders in the Shousha camp gave us interviews and focused their answers on the management of waiting times of refugees in terms of health, safety, and services within the camp.

- Health: General practitioners suggested that waiting should be shortened to avoid complications with health problems, whether prior to arrival at camp, or caused by conditions of community life in the asylum. A psychologist talked about reactive depression as the main psychological fallout directly related to the difficulty of waiting suffered by refugees. The results are mainly insomnia, eating disorders, anxiety, nervousness, social withdrawal and loss of interest. In addition, doctors are, of course, bound by professional secrecy. They communicate patient records to UNHCR according to predetermined codes, and they in no way interfere in the selection criteria of refugees. Their role is limited to monitoring, awareness and family planning.
- Security, Protection and Services: The long stay of refugees in the camp necessarily causes security problems following intercommunity conflict : this was a problem according to the military officers present on the ground. In addition, UNHCR protection is required to manage daily life, in addition to routine work, and sometimes dramatic humanitarian emergencies, which could have been avoided with prompt resettlement. Also, the unit manager of Islamic Relief, in charge of camp management, expressed his concerns about the future of refugees waiting, after the end of its mission in the Shousha camp. Indeed, a few weeks later, we learned through the media that a series of angry protests over refugees broke out, following the departure of Islamic Relief and the announcement by UNHCR of the closing of the camp, scheduled for 30 June, 2013. Since then, refugees have been left almost to their own devices with only weekly food rations.

### 4. The Resettlement Process according to Refugees:

- First group interviewed: four refugees submitted for resettlement, they are waiting for a final decision.

Refugee	Arrival country	Country of origin	Submission
1 man	Libya	Somalia	U.S.A.
1 man	Libya	Eritrea	Switzerland
1 man	Libya	Ethiopia	U.S.A.
1 man	Libya	Ivory Coast	Canada

Refugees in this group have been waiting since February/April 2012 for an answer from the respective countries of submission. The final decision may be admission to resettlement, so an appointment for interview will be fixed with a delegation of the relevant country and/or establishment of the necessary forms. In the case of non admission for resettlement, there is the possibility of appeal.

Throughout the interview, refugees have continued to express their dissatisfaction with the harsh conditions of waiting, which seems sometimes to lack hope. Wardi, from Somalia, is one of the 700 arrived in March 2011, after being picked up at sea. Many of his friends, including his wife and children, died in attempting to emigrate to Italy. Then, he waited four months to submit for refugee status, that he got five months later in December 2011. He is still waiting for a response from the US, which he said, resettled much of the Somali group, then comes, Norway, Sweden, Germany, and finally Canada for some of them.

Camara, from Ivory Coast, arrived at the camp in July 2011. Camara was awarded refugee status after eight months, and has been submitted for resettlement in Canada since February 2012, after being rejected by the US.

All the interviewees confirmed that they were not consulted in the choice of resettlement countries. However, they were not unhappy about the choice: the important thing for them was to leave the camp, not to return to their home country and to start a new life.

– The second group interviewed: 4 refugees accepted for resettlement, awaiting departure

Refugee	Arrival country	Country of origin	Submission	Date of departure
1man	Libya	Sudan	Germany	September 3, 2012
1man	Libya	Eritrea	U.S.A.	Unknown
1 woman	Libya	Somalia	U.S.A.	Unknown
1 woman	Libya	Somalia	U.S.A.	Unknown

Refugees from this group have been awaiting resettlement since January/June 2012. Although they have received a positive response, the waiting time seems to them hard, especially because of lack of information. Indeed, refugees claim right of access to information related to the progress of their cases and prospects of resettlement. They also want more support and assistance for preparation for interviews and forms, since according to them, some were rejected because of a language problem, or illiteracy. It should be noted here, that there is an information office in the camp for refugees, which opens once a week. However, this information point remains insufficient, given the large number of refugees in the camp.

Thus, this lack of information is negative for the morale of refugees, especially as they have been waiting since February/March 2011. In fact, they had to wait from six months to a year to ask for resettlement and six months on average to receive the response of the resettlement countries. The departure date is generally eight months afterwards, for a later departure after one to three months. The longest delays are those for the U.S.A. Finally, women and children are the most affected by the long stay.

– The third group interviewed: two refugees rejected for resettlement. Appeal in progress

Refugee	Arrival country	Country of origin	Submission
1 man	Libya	Ethiopia	Spain
1 man	Libya	Sudan	U.S.A.

Both refugees interviewed are renewing their resettlement applications, for the same countries of initial submission.

Both interviewees came from Libya before December 2011, exactly one year after they were rejected for resettlement, and since then they have sunk into state of total despair.

Abdelmajid, an Ethiopian, has two wives, he had divorced one of them to be eligible for resettlement. He was, however, dismissed with his wife and three children, one of them an eighteen-year-old girl. However, his ex-wife was resettled in Spain with a child. He says he does not know the reasons for his rejection, he feels completely lost and hopes to be picked up on resubmission. However, we suspect that he was dismissed because of his problematic past in Ethiopia, about which he refused to give details.

As for Taieb from Sudan, he thinks he failed the interview because of his psychological condition and his difficulty in understanding English. He claims not to know the exact reasons for his rejection and refuses to return to Sudan, where the war is still being fought. His wish, he says, is to live in a country of peace, freedom and security.

In addition, both refugees talked a lot about difficult conditions of waiting in the camp and they regretted not having financial independence.

## **General conclusions**

### **For better conditions of resettlement**

20 June 2011, UNHCR celebrated the sixtieth anniversary of World Refugee Day, under the theme “One refugee without hope is too many”, yet in reality we are very far from this ideal. Indeed, UNHCR evaluates that 800,000 refugees in the world need to be resettled, while there are not more than 80,000 places a year<sup>21</sup>. On the other hand, burden sharing is spread unevenly between the 27 EU Member States, since the EU received 5,000 refugees between 2011/2012 (4,700 in 2010), the vast majority are hosted by the USA, Canada and Australia. Despite the resources granted by the European Refugee Fund<sup>22</sup>, European countries are restrictive with regards to resettlement.

Given the various findings, we conclude with the following suggestions:

1. Constitutionalizing the demand for asylum in countries of first asylum,
2. Revising laws for refugees in both countries of first asylum and resettlement countries,
3. Reducing the UNHCR resettlement process around the world, through decentralization approaches and/or a better division of labour between Geneva and Lebanon. The same for resettlement countries,
4. Avoiding duplication between UNHCR and resettlement countries,
5. Standardizing E.U. criteria,
6. Harmonizing and shortening the process of resettlement in the EU,
7. Working for a better diffusion of information for refugees, Also for a better flow,
8. Increasing annual quotas, and per resettlement country in the EU,
9. Minimizing subjective factors,
10. Taking into account civil society work,
11. Adapting the selection criteria to its historical context.

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<sup>21</sup> UN, A/AC.96/1108, *Progress report on resettlement*, 4 July 2012, <http://www.unhcr.org/503cce2e9.html>

<sup>22</sup> Amnesty International, press release, *EU Must Boost Refugee Resettlement*, Brussels, 28 March 2012, <http://www.amnesty.eu/en/press-releases/asylum-and-migration/0556-0556/>

## **Annexes**

1. Persons of Concern of UNHCR in Shousha Camp – Demographics (Internal – External) – *Source UNHCR Zarzis – 13/07/2012*
2. Population Statistics for Shousha Camp – Internal – *Source UNHCR Zarzis – 13/07/2012*
3. UNHCR Tunisia Fact Sheet – *September 2012*
4. Persons of Concern of UNHCR in Shousha Camp – Demographics (Internal – External) – *Source UNHCR Zarzis – 12/10/2012*
5. Population Statistics for Shousha Camp – Internal – *Source UNHCR Zarzis – 12/10/2012*

*Annex 1*

**Persons of Concern of UNHCR in Shousha Camp**

**Demographics (Internal – External)**

*Source UNHCR Zarzis – 13/07/2012*



	All Registered	Refugees	Asylum Seekers	Total Refugees & Asylum Seekers	Others**
Tunisia	2 020	1 870	149	2 019	1
EX-Libya	487	486	1	487	0
Others*	25	25	0	25	0
Totals	<b>2 532</b>	<b>2 381</b>	<b>150</b>	<b>2 531</b>	<b>1</b>

\*:Registered with other UNHCR operation

\*\*: Spouses of refugees or asylum seekers

## Age &amp; Gender Breakdown by Country of Origin

Country of Origin	0-4		5-11		12-17		18-59		>60		Total	
	F	M	F	M	F	M	F	M	F	M	F	M
Sub Total	68	91	43	56	39	117	328	1 762	3	25	481	2 051
%	43%	57%	43%	57%	25%	75%	16%	84%	11%	89%	19%	81%
<b>Total</b>	<b>159</b>		<b>99</b>		<b>156</b>		<b>2 090</b>		<b>28</b>		<b>2 532</b>	
Algeria							1	1			2	
Cameroon								1			1	
CAR								2			2	
Chad	1	1	2		2	3	4	14			27	
Côte d'Ivoire								13			13	
DRC								2			2	
Eritrea	8	10	2	2	1	3	25	246	2	4	303	
Ethiopia	13	8	2		1	1	48	111			184	
Gambia						2					2	
India							1				1	
Iraq	9	19	13	14	11	10	82	103		8	269	
Liberia								1			1	
Libyan Arab Jamahiriya							1				1	
Mali						2		4			6	
Morocco							5				5	
Nigeria							1	2			3	
Pakistan		1		1		1	4	5			12	
Palestine	1	1		4	2	3	3	7			21	
Senegal								1			1	
Somalia	20	23	6	2	2	52	80	631		2	818	
Sudan	15	28	18	33	20	40	73	617	1	11	856	
Syrian Arab Republic	1							1			2	

Sex and Age	0-4	5-11	12-17	18-59	60+	Total	% of Total
Female	68	43	39	328	3	481	19,0%
Male	91	56	117	1 762	25	2 051	81,0%
Total	159	99	156	2 090	28	2 532	

5,3% 3,3% 5,2% 69,0% 0,9%

Avg. case size 1,4

Avg. case size excluding single person cases 3,7

## Ethnic Origins

Hawiye	324	12,8%
Zaghawa	313	12,4%
Arab	240	9,5%
Massalit	160	6,3%
Oromo	156	6,2%
Tigrinya	152	6,0%
Shekhal	101	4,0%
Tigre	76	3,0%
Fur	72	2,8%
Dir	42	1,7%
Belin	39	1,5%
Ashraaf	38	1,5%
Madiban	36	1,4%
Rahan-weyn	35	1,4%
Nuba	33	1,3%
Meidob	31	1,2%
Dadjo	28	1,1%
Sahow	26	1,0%
Berti	25	1,0%
Tama	23	0,9%
Darod	23	0,9%
Rer-hamar	20	0,8%
None	18	0,7%
Ogaden	18	0,7%
Other	503	19,9%

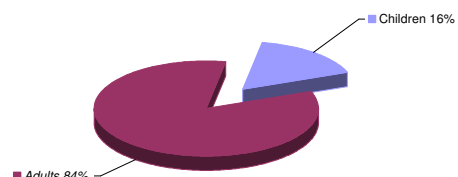
Number of families	1 853
Female-Headed	78 4,2%
Male-Headed	1 775 95,8%

Religious Background	
Islam	2 312 91,3%
Christianity	224 8,8%
Other	26 1,0%

Specific Needs	
Serious medical condition	271 10,7%
Specific legal and physical protection needs	181 7,1%
Torture	123 4,9%
Unaccompanied or separated child	73 2,9%
Disability	59 2,3%
Woman at risk	51 2,0%
Family unity	41 1,6%
Child at risk	14 0,6%
Older person at risk	15 0,6%
Single parent	9 0,4%

One individual can have more than one specific need

Individuals (age)



*Annex 2*

**Population Statistics for Shousha Camp**

**Internal**

*Source UNHCR Zarzis – 13/07/2012*

Persons of concern	Persons Not of concern	Total Residents in the Camp
2 532	281	2 813

## Persons of concern to UNHCR

	All Registered	Refugees	Asylum Seekers	Total Refugees & Asylum Seekers	Others**
Tunisia	2 020	1 870	149	2 019	1
EX-Libya	487	486	1	487	0
Others*	25	25	0	25	0
Totals	2 532	2 381	150	2 531	1

\*: Registered with other UNHCR operation

\*\*: Spouses of refugees or asylum seekers

## RST Departures (\*)

UNHCR resettlement departures	1159
ETC Departures	150
Non-UNHCR resettlement departures	147
Total Departures	1456

\* As recorder in Progres

## New arrivals registered since 1st Dec. 2011

Total	294
- Including recognized refugees	131
- incl. referred to RST	23
- Including finally rejected	6

## RST process (Refugees)

Accepted by RST country	1 295
Submitted to RST country	830
In HCR RST Process	1

## RSD Process (asylum seekers)

Pending 1st inst. decision	137
Pending appeal	2
Pending 2nd inst. decision	11

## Population movement since 1st Dec. 2011

	Increases		Decreases					
	New arrivals	New births	RST Departures	Private Sponsorship	Spontaneous Departures	Voluntary Repatriation	Deaths	File Closure
Dec-11	133	6	79	9	20	-	1	103
Jan-12	56	10	44	-	12	-	-	65
Feb-12	-	11	75	-	-	6	2	80
Mar-12	-	5	99	-	-	-	-	19
Apr-12	6(**)	5	274	1	-	-	1	17
May-12*	95	9	165	3	5	6	-	-
Jun-12	1(***)	2	48	31	20	-	-	2
Jul-12	4	1	53	1	-	4	-	-
Week of 7 Jun - 13 Jul	3	-	33	-	-	-	-	-

\*13 persons are waiting clearance for registration (claim to be new arrivals)

\*\* Reopening of 1 case of A/S in detention in Medenine

\*\*\* Reopening of 1 case of A/S

## Country of Origin and Legal Status

Country of Origin	Total		% of Total	Refugees		Asylum Seekers		Others
	Cases	Persons		Cases	Persons	Cases	Persons	Persons
Sudan	646	856	33,8%	607	792	39	64	-
Somalia	704	818	32,3%	637	747	67	71	-
Eritrea	251	303	12,0%	249	301	2	2	-
Iraq	77	269	10,6%	77	269	-	-	-
Ethiopia	114	184	7,3%	113	183	1	1	-
Chad	18	27	1,1%	15	24	3	3	-
Palestine	8	21	0,8%	8	21	-	-	-
Côte d'Ivoire	13	13	0,5%	10	10	3	3	-
Pakistan	3	12	0,5%	3	12	-	-	-
Mali	6	6	0,2%	4	4	2	2	-
Morocco	1	5	0,2%	-	4	1	1	-
Nigeria	2	3	0,1%	1	2	1	1	-
Democratic Republic of the Congo	2	2	0,1%	1	1	1	1	-
Algeria	1	2	0,1%	-	1	1	1	-
Gambia	2	2	0,1%	2	2	-	-	-
Central African Republic	2	2	0,1%	2	2	-	-	-
Syrian Arab Republic	-	2	0,1%	-	2	-	-	-
Cameroon	1	1	0,0%	1	1	-	-	-
Liberia	1	1	0,0%	1	1	-	-	-
Libyan Arab Jamahiriya	-	1	0,0%	-	-	-	-	1
Senegal	1	1	0,0%	1	1	-	-	-
India	-	1	0,0%	-	1	-	-	-
Total	1 853	2 532	100,0%	1 732	2 381	121	150	1

## Month of Arrival

févr-11	16	0,6%
mars-11	1 363	53,8%
avr-11	335	13,2%
mai-11	147	5,8%
juin-11	86	3,4%
juil-11	86	3,4%
août-11	59	2,3%
sept-11	42	1,7%
oct-11	124	4,9%
nov-11	20	0,8%
déc-11	130	5,1%
janv-12	25	1,0%
févr-12	10	0,4%
mars-12	61	2,4%
avr-12	7	0,3%
mai-12	19	0,8%
juin-12	2	0,1%
juil-12	-	0,0%

## Ex-Libya Origins

Iraq	177
Sudan	124
Eritrea	79
Somalia	71
Ethiopia	19
Palestine	10
Chad	4
Others	1
Total	487

## Persons Not of concern to UNHCR (rejected asylum seekers)

## Final rejection decisions - Breakdown by Nationality

Country of Origin	Total		% of Total
	Cases	Persons	
Chad	86	111	34,4%
Sudan	62	69	21,4%
Nigeria	36	41	12,7%
Côte d'Ivoire	30	30	9,3%
Ethiopia	14	18	5,6%
Mali	8	8	2,5%
Gambia	7	7	2,2%
Ghana	7	7	2,2%
Liberia	6	6	1,9%
Pakistan	3	5	1,5%
Bangladesh	3	3	0,9%
Others	16	18	5,6%
Total	278	323	

## Not of Concern:

Still residing in the camp	281	87,0%
Departed	42	13,0%

*Annex 3*

**UNHCR Tunisia Fact Sheet**

*September 2012*



© UNHCR 2012/Hala Al-Horany- Resettlement departures from the Shousha Transit Camp to Germany

### Latest Developments

- On 3 September, 195 refugees in the Shousha transit camp were resettled to Germany. The total number of refugees accepted to Germany is 201, but six had to postpone their departure for medical reasons.

- On 10 September, a boat heading from Libya to Italy disembarked 154 passengers in Tunisia. The group was not transferred to the Shousha transit camp. Rather, 100 arrivals opted to return home voluntarily with IOM and were transferred to a center in Tunis. 50 arrivals requested asylum and were transferred to a center in Zarzis. Four migrants who have not sought asylum are undecided about return and thus remain in a National Guard compound.

- The Department of Homeland Security of the United States completed its fifth and final security ride to interview 569 refugees for resettlement on 11 September. 561 refugees were pre-selected for resettlement.

- UNHCR's Representative met with the Vice President of Tunisia's Constituent Assembly to seek support for a reference to the right to asylum and respect for the notion of non-refoulement in the new constitution.

- UNHCR, IOM, ICMPD and the EU will participate with the Ministry of Interior in a joint assessment of Tunisia's border management capacity.

Population of the Shousha Transit Camp September 2012			
Country of origin	Refugees	Asylum Seekers	Total
Sudan	678	55	733
Somalia	647	64	711
Eritrea	214	2	216
Iraq	183	-	183
Ethiopia	117	2	119
Chad	23	3	26
Palestine	21	-	21
Côte d'Ivoire	10	3	13
Others*	30	9	39
<b>Total refugees and asylum seekers</b>	<b>1,923</b>	<b>136</b>	<b>2,061</b>
Migrants ex-Libya			280
<b>Total population in the transit camp</b>			<b>2,341</b>

\* 14 different nationalities

## Departures from Shousha Transit Camp (September 2012)

### UNHCR Resettlement Submissions and Departures (persons)

Country	Submitted	Departures
Australia	150	110
Belgium	27	25
Canada	38	2
Denmark	28	21
Finland	30	21
France	1	1
Germany	290	195
Ireland	27	24
Netherlands	58	19
Norway	582	476
Portugal	28	23
Spain	107	80
Sweden	222	201
Switzerland	2	0
UK	10	2
USA	2,424	396
<b>UNHCR Referral</b>	<b>4,024</b>	<b>1,596</b>

- Applications that are refused by one resettlement country can be resubmitted to another country. Final acceptance of refugees, however, is fully dependent on the decision of resettlement countries.

### Refugees submitted for resettlement

- In response to the Libya crisis last year and on account of Tunisia's own revolution, UNHCR launched the Global Resettlement Solidarity Initiative.
- By August 2012, UNHCR made 4,024 submissions (including re-submissions) to resettlement countries on behalf of refugees registered in the Shousha transit camp before December 2011. Refugees registered after that date will not automatically be referred for resettlement to prevent a pull factor.
- Resettlement countries have accepted 2,139 refugees submitted through UNHCR. 1,792 refugees have already departed (including 150 to the ETC in Romania/Slovakia).
- 1,213 refugees await a final decision from a resettlement country.

### Other departures from Shousha Transit Camp

- In addition to resettlement departures, over 300 persons of concern departed for Canada, Switzerland, Italy and Poland thanks to private sponsorship or immigration programmes.

## Shousha Transit Camp

In response to the 2011 Libya crisis, UNHCR began registering and assisting non-Libyan asylum seekers and refugees of 22 nationalities in a transit camp (Shousha) near the border crossing of Ras Ajdir. UNHCR and its partners provide basic humanitarian assistance while also facilitating durable solutions for the transit camp population.

Today, Shousha hosts 1,923 refugees and 136 asylum seekers. The majority of refugees in the transit camp will be accepted for resettlement. UNHCR nevertheless anticipates some 400 refugees will not be resettled and will thus be assisted to become self reliant outside the transit camp once it is closed.

There are also 280 migrants in Shousha who were not recognised as refugees after a careful review of their asylum claims by UNHCR. IOM facilitates the voluntary return and reintegration of these individuals, who do not come under UNHCR's mandate.

## Urban Refugees

In Tunis, there are 84 refugees and 259 asylum seekers (mainly from Côte d'Ivoire). UNHCR processes asylum claims and provides assistance to the most vulnerable among them. Resettlement is reserved for refugees facing an immediate physical protection risk in Tunisia.

A few Libyan families who fled the conflict in 2011 still reside in urban and semi-urban areas where they have been generously accommodated by host communities, with some basic assistance from UNHCR.

Groups of Syrians have also entered Tunisia recently, but have not yet approached UNHCR. A mapping of the Syrian population is thus underway with CRT to determine their protection needs.

## Collaboration and Partnerships

### Government Collaboration

UNHCR is collaborating closely with the Ministries of Interior, Foreign Affairs, Social Affairs, Women's Affairs, Justice, Human Rights and Employment.

### Implementing Partners

- Tunisian Red Crescent (CRT)
- Danish Refugee Council (DRC)
- Islamic Relief Worldwide (IRW)
- International Medical Corps (IMC)
- France Terre d'Asile (FTDA)
- Arab Institute for Human Rights (IADH)
- International Organisation for Migration (IOM)

### UN Coordination

UNHCR is a member of the UN Country Team and plays an active role in the UN's Transition Strategy for Tunisia, as lead agency with IOM for emergency preparedness and response.

### **For further information, please contact:**

UNHCR Tunisia  
Tel : +216 71963383 / +216 71963367  
Fax : +21671963384  
Email: [TUNTU@unhcr.org](mailto:TUNTU@unhcr.org)

## UNHCR Presence in Tunisia

The United Nations High Commissioner for Refugees (UNHCR) started its operations in Tunisia upon request of the Tunisian Government in 1957 to assist several thousand Algerian refugees and established an Honorary Representation in 1963. Following the signing of the Co-operation Agreement between the Government of Tunisia and UNHCR on 18 June 2011, UNHCR's first Representative was appointed on 15 September 2011.

## Operational Background

During the Libya crisis in 2011, UNHCR supported the generous relief effort of the Tunisian government and people for the hundreds of thousands of persons fleeing the violence in Libya. This emergency operation and Tunisia's post-revolutionary climate enabled UNHCR to engage the newly elected Government and non-state actors to work towards a more favourable protection environment for refugees and to explore the potential for a legal and institutional framework for asylum.

## National Legal Framework

Tunisia is signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It has also ratified the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. A national legal framework for asylum has yet to be enacted but is currently under discussion with the authorities. For the time being, UNHCR remains the sole entity undertaking refugee status determination.

## Objectives

UNHCR Tunisia's overall aim is to ensure a favourable protection environment through:

1. Supporting the government to establish a national asylum law and system.
2. Registering, documenting and counseling persons of concern.
3. Undertaking refugee status determination.
4. Targetting assistance to vulnerable refugees.
5. Facilitating durable solutions for refugees.
6. Promoting a constructive and sustainable engagement from the authorities on international protection.
7. Strengthening and collaborating with civil society.

## UNHCR Tunisia Offices and Staffing

UNHCR has two offices in Tunisia. The Country Office in Tunis also acts as a UNHCR Regional Technical Hub for UNHCR offices in North Africa

- Country Office in Tunis:  
13 national staff, 5 international staff
- Regional Technical Hub for North Africa in Tunis:  
6 international staff
- Field Office in Zarzis:  
23 national staff, 10 international staff

## Budget

- 2012: USD 27.2 million (requirements)
- 2011: USD 33.3 million (expenditures)

*Annex 4*

**Persons of Concern of UNHCR in Shousha Camp**

**Demographics (Internal – External)**

*Source UNHCR Zarzis – 12/10/2012*

	All Registered	Refugees	Asylum Seekers	Total Refugees & Asylum Seekers	Others**
Tunisia	1 660	1 537	121	1 658	2
EX-Libya	313	312	1	313	0
Others*	19	19	0	19	0
Totals	<b>1 992</b>	<b>1 868</b>	<b>122</b>	<b>1 990</b>	<b>2</b>

\*:Registered with other UNHCR operation

\*\*: Spouses of refugees or asylum seekers

### Age & Gender Breakdown by Country of Origin

Country of Origin	0-4		5-11		12-17		18-59		>60		Total	
	F	M	F	M	F	M	F	M	F	M	F	M
Sub Total	49	75	29	36	25	97	211	1 450	2	18	316	1 676
%	40%	60%	45%	55%	20%	80%	13%	87%	10%	90%	16%	84%
<b>Total</b>	<b>124</b>		<b>65</b>		<b>122</b>		<b>1 661</b>		<b>20</b>		<b>1 992</b>	
Algeria							1	1			2	
Cameroon								1			1	
CAR								2			2	
Chad	1	1	2		2	3	3	13			25	
Côte d'Ivoire						1		13			14	
DRC	1	1				2	1	1			6	
Eritrea	3	4	1		1	3	13	175	1	3	204	
Ethiopia	9	2	2			2	25	77			117	
Gambia						2					2	
Guinea Conakry						2					2	
India							1				1	
Iraq	7	12	8	9	7	5	49	70		4	171	
Libyan Arab Jamahiriya							1				1	
Mali						4		4			8	
Morocco							2				2	
Nigeria								1			1	
Pakistan		2		1			2	3			8	
Palestine	1	1		4	2	3	3	7			21	
Senegal								1			1	
Somalia	17	24	1		1	44	58	539		2	686	
Sudan	9	28	15	22	12	26	52	541	1	9	715	
Syrian Arab Republic	1							1			2	

Sex and Age	0-4	5-11	12-17	18-59	60+	Total	% of Total
Female	49	28	26	211	2	316	15,9%
Male	75	36	96	1 451	18	1 676	84,1%
Total	124	64	122	1 662	20	<b>1 992</b>	

Avg. case size 1,3

Avg. case size excluding single person cases 3,8

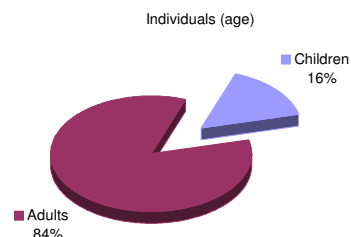
Ethnic Origins		
Hawiye	274	13,8%
Zaghawa	263	13,2%
Arab	159	8,0%
Massalit	137	6,9%
Tigrinya	107	5,4%
Oromo	98	4,9%
Shekhal	85	4,3%
Fur	62	3,1%
Tigre	47	2,4%
Dir	35	1,8%
Madiban	32	1,6%
Rahan-weyn	32	1,6%
Ashraaf, Ashraf	28	1,4%
Meidob	27	1,4%
Nuba	26	1,3%
Belin	24	1,2%
Dadjo	23	1,2%
Berti	22	1,1%
Tama	21	1,1%
Sahow	21	1,1%
Darod	19	1,0%
Ogaden	18	0,9%
None	13	0,7%
Rer-hamar	13	0,7%
Other	406	20,4%

Number of families		
Female-Headed	50	3,3%
Male-Headed	1 484	96,7%

Religious Background		
Islam	1 825	91,6%
Christianity	156	7,8%
Other	11	0,6%

Specific Needs		
Serious medical condition	210	10,5%
Specific legal and physical protection needs	141	7,1%
Torture	99	5,0%
Unaccompanied or separated child	67	3,4%
Disability	46	2,3%
Family unity	33	1,7%
Woman at risk	33	1,7%
Older person at risk	13	0,7%
Child at risk	9	0,5%
Single parent	5	0,3%

One individual can have more than one specific need





*Annex 5*

**Population Statistics for Shousha Camp**

**Internal – External**

*Source UNHCR Zarzis – 12/10/2012*

12/10/2012

Persons of concern	Persons Not of concern	Total Residents in the Camp
1 992	281	2 273
87,64%	12,36%	100%

## Persons of concern to UNHCR

	All Registered	Refugees	Asylum Seekers	Total Refugees & Asylum Seekers	Others**
Tunisia	1 660	1 537	121	1 658	2
EX-Libya	313	312	1	313	0
Others*	19	19	0	19	0
Totals	1 992	1 868	122	1 990	2

\*: Registered with other UNHCR operation  
 \*\*: Spouses of refugees or asylum seekers

## RST Departures (\*)

UNHCR resettlement departures	1712
ETC Departures	150
Non-UNHCR resettlement departures	145
Total Departures	2007

\* As recorded in Progress

## New arrivals registered since 1st Dec. 2011

Total	310
- Including recognized refugees	156
incl. referred to RST	25
- Including finally rejected	6

## RST process (Refugees)

Accepted by RST country	1 475
Submitted to RST country	110

## RSD Process (asylum seekers)

Pending 1st inst. decision	110
Pending appeal	-
Pending 2nd inst. decision	12

## Population movement since 1st Dec. 2011

	Increases		Decreases					
	New arrivals	New births	RST Departures	Private Sponsorship	Spontaneous Departures	Voluntary Repatriation	Deaths	File Closure
Dec-11	133	6	79	9	20	-	1	103
Jan-12	56	10	44	-	12	-	-	65
Feb-12	-	11	75	-	-	6	2	80
Mar-12	-	5	99	-	-	-	-	19
Apr-12	6(**)	5	274	1	-	-	1	17
May-12*	95	9	163	3	5	6	-	-
Jun-12	1(***)	2	48	31	20	-	-	2
Jul-12	11	4	229	1	14	5	1	-
Aug-12	8	7	42	-	-	-	1	1
Sep-12	-	6	292	-	-	-	-	-
Oct-12	-	3	38	-	-	-	-	4
Week of 5 Oct - 12 Oct	-	1	30	-	-	-	-	1

\*8 persons are waiting clearance for registration (claim to be new arrivals)

\*\* Reopening of 1 case of A/S in detention in Medenine

\*\*\* Reopening of 1 case of A/S

## Country of Origin and Legal Status

Country of Origin	Total		% of Total	Refugees		Asylum Seekers		Others
	Cases	Persons		Cases	Persons	Cases	Persons	
Sudan	562	715	35,9%	532	667	30	48	-
Somalia	601	686	34,4%	546	627	55	59	-
Eritrea	180	204	10,2%	179	203	1	1	-
Iraq	50	171	8,6%	50	171	-	-	-
Ethiopia	81	117	5,9%	79	115	2	2	-
Chad	16	25	1,3%	14	23	2	2	-
Palestine	8	21	1,1%	8	21	-	-	-
Côte d'Ivoire	14	14	0,7%	10	10	3	3	1
Pakistan	2	8	0,4%	2	8	-	-	-
Mali	8	8	0,4%	6	6	2	2	-
Democratic Republic of the Congo	2	6	0,3%	1	5	1	1	-
Central African Republic	2	2	0,1%	2	2	-	-	-
Gambia	2	2	0,1%	2	2	-	-	-
Algeria	1	2	0,1%	-	1	1	1	-
Guinea	2	2	0,1%	-	-	2	2	-
Syrian Arab Republic	-	2	0,1%	-	2	-	-	-
Morocco	-	2	0,1%	-	2	-	-	-
Libyan Arab Jamahiriya	-	1	0,1%	-	-	-	-	1
Nigeria	1	1	0,1%	-	-	1	1	-
Senegal	1	1	0,1%	1	1	-	-	-
Cameroon	1	1	0,1%	1	1	-	-	-
India	-	1	0,1%	-	1	-	-	-
Total	1 534	1 992	100,0%	1 433	1 868	100	122	2

## Month of Arrival

févr-11	9	0,5%
mars-11	1 074	53,9%
avr-11	265	13,3%
mai-11	112	5,6%
juin-11	48	2,4%
juil-11	67	3,4%
août-11	41	2,1%
sept-11	24	1,2%
oct-11	81	4,1%
nov-11	16	0,8%
déc-11	123	6,2%
janv-12	22	1,1%
févr-12	9	0,5%
mars-12	54	2,7%
avr-12	6	0,3%
mai-12	16	0,8%
juin-12	6	0,3%
juil-12	7	0,4%
août-12	4	0,2%
sept-12	8	0,4%

## Ex-Libya Origins

Iraq	115
Sudan	72
Somalia	47
Eritrea	45
Ethiopia	14
Palestine	10
D.Republic of the Congo	4
Others	6
Total	313

## Persons Not of concern to UNHCR (rejected asylum seekers)

## Final rejection decisions - Breakdown by Nationality

Country of Origin	Total		% of Total
	Cases	Persons	
Chad	87	112	34,5%
Sudan	62	69	21,2%
Nigeria	36	41	12,6%
Côte d'Ivoire	30	30	9,2%
Ethiopia	14	18	5,5%
Mali	8	8	2,5%
Gambia	7	7	2,2%
Ghana	7	7	2,2%
Liberia	6	6	1,8%
Pakistan	3	5	1,5%
Bangladesh	3	3	0,9%
Others	17	19	5,8%
Total	280	325	

## Not of Concern:

Still residing in the camp	281	86,5%
Departed	44	13,5%